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Letter dated 24 January 2003 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit to you the letter dated 9 January 2003 from the High Commissioner for Human Rights concerning the fact-finding mission headed by the Deputy High Commissioner for Human Rights which visited Côte d'Ivoire from 23-29 December 2002.

I should be grateful if you would make this letter and the report of the fact-finding mission annexed to it available to the members of the Security Council.

(Signed) Kofi A. Annan



Annex

Report of an urgent human rights mission to Côte d'Ivoire

[Original: English/French]

On 20 December 2002, the Security Council took note of the dispatch of a United Nations mission to Côte d'Ivoire to compile information on the human rights and humanitarian situation. The Government of Côte d'Ivoire gave its consent to the conduct of the mission.

The mission, headed by the Deputy High Commissioner for Human Rights, was in Côte d'Ivoire from 23 to 29 December 2002.

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I. Introduction

1. On Friday, 20 December 2002, the Security Council expressed its deepest concern about reports of mass killings and serious violations of human rights in Côte d'Ivoire. It called on all parties to ensure full respect for human rights and international humanitarian law, particularly with regard to the civilian population, regardless of its origin, and to bring to justice all those responsible for any violation thereof. The Council welcomed the decision by the Secretary-General to request the High Commissioner for Human Rights to send a mission to gather precise information regarding the violations of human rights and international humanitarian law in Côte d'Ivoire, including through the dispatch of a fact-finding mission.¹

2. Later that same day, the High Commissioner for Human Rights, Sergio Vieira de Mello, announced, through a spokesman for the United Nations, plans to send an urgent mission to the country. The week-long mission, headed by the Deputy High Commissioner for Human Rights, Bertrand Ramcharan, would travel to different parts of the country, speaking to government officials and other leaders, representatives of civil society, human rights organizations, representatives of international and regional organizations and others in a position to assist in assessing the human rights situation.

3. On Monday, 23 December 2002, the Deputy High Commissioner, accompanied by two human rights officers, a security adviser and an administrative assistant, left for Côte d'Ivoire. They were joined by a forensics expert. The mission stayed in the country until Sunday, 29 December, working through the Christmas holiday and meeting with Ivorian leaders until just before departing.

4. During its stay in the country, the mission met with the President of the Republic, the Ministers of Commerce (who represented the Minister of Human Rights — then absent from the country²), Foreign Affairs, Defence, Justice, and Interior, as well as leaders of the principal political parties. It met with leaders of the Mouvement patriotique de la Côte d'Ivoire (MPCI) in Bouaké as well as with leading human rights organizations, civil society and peace organizations, senior church officials, Christian and Islamic, the United Nations Country Team, members of the diplomatic corps and military personnel. The mission visited different localities in Abidjan and went to Yamoussoukro, Bouaké and Daloa. It visited common grave sites at Tapeguehe near Daloa and in Bouaké.

5. The dispatch of the mission one working day after the statement by the President of the Security Council presented administrative, financial and logistical challenges. Principal among those was the need for an emergency fund within the Office of the United Nations High Commissioner for Human Rights to make such urgent missions possible. The mission is grateful to all those who helped it take off in such a short period of time as well as to those who facilitated its tasks on the ground.

¹ See S/PV.4680.

² The Deputy High Commissioner for Human Rights had met with the Minister for Human Rights in Geneva the previous week.

II. Approach of the mission

6. The mission was mindful throughout its activities that Côte d'Ivoire has been a respected member of the United Nations and whose representatives have held important offices in the world body, including the presidency of the Economic and Social Council and the presidency of the General Assembly. The mission was further mindful of the historic political stability and economic prosperity of Côte d'Ivoire, which had allowed it to be home to millions of migrants (and some refugees) who had sought economic opportunities in the country, had made it their home and had contributed to its economic development. How had conflict come to such a country? How could it be helped to get out of conflict? How could human rights be respected in a time of emergency and conflict, and how could the hospitality and record of tolerance in the country be restored so that democracy and respect for human rights could be better assured in future? These were some of the questions raised by the mission.

7. Wherever it went, the mission underlined the desire of the United Nations to contribute to the restoration of peace while being faithful to principles of human rights and humanitarian law. The mission made it clear that it was not a commission of inquiry; nor was it in the country to point the finger of accusation at anyone. Rather, its aim was to gather information that might help the Security Council understand what was taking place on the ground and help in the search for peace. From these perspectives, the mission focused its search on measures being taken to safeguard human rights at a time of difficulties; measures being taken to prevent gross violations of human rights; measures of protection; measures to promote tolerance and good neighbourliness; and measures to uphold the rule of law and to bring to justice anyone who had transgressed the law.

8. The principal challenge that was posed at such a moment was how to safeguard human rights at a time when the Government and its supporters felt that the life of the nation was imperilled by those who had brought conflict to the country, while others, notably MPCI, felt that the Government lacked legitimacy, with the President having won elections in which only 13 per cent of the people had participated. The latter presentation of the situation was strongly contested by some of the political parties with whom the mission met. They pointed out that the constitution had been accepted in a referendum in which 86 per cent of the electorate had participated. The elections for the presidency, legislature and General Councils had been based on the same lists and the results had been accepted by all. Members of different parties were members of the Government.

9. Some looked to the Government to set an example of the rule of law and respect for human rights, while others, notably MPCI, accused it of deliberately breaching the ceasefire agreement and using mercenaries, who had committed serious atrocities, particularly at a mass grave site at Monoko-Zohi. Government leaders and supporters, for their part, accused MPCI and other "rebel movements" of using foreign forces and committing atrocities, notably the murder of dozens of members of the gendarmerie at Bouaké. There were thus two versions of events presented to the mission.

III. Human rights issues at the root of the conflict

10. There are several human rights-related issues that are at the root of the conflict: the difficult process of transition to multiparty democracy after three decades of guided democracy under a one-party State; the essence of nationhood and the contested concept of "ivoirité"; the qualifications to hold the highest office in the land; the right of long-term residents to enjoy their property and possessions in the rural areas and to pass on such property to their heirs; and the right of long-term migrants to become nationals of their adopted country on a basis of equality. Attached to the latter issue were questions of the issuance and handling of identity documents of migrants.

A. National identity

11. On the first issue, Côte d'Ivoire, after 1990, had seen the emergence of multiparties after three decades of a single party led by a respected and benevolent President. The rules of coexistence, the rules of competition, the process of holding elections and the routes to high offices all presented challenges, as several qualified leaders vied for the leadership of the country. In the process, the right of migrants to vote became relevant and the voting loyalties of those migrants entered the picture. In the former French territories, issues of nationality did not present difficulties. After independence, different nationalities commingled. Between 1960 and 1972 it was relatively easy to adopt Ivorian nationality. After 1972, the issue became regulated. There were several instances of persons holding non-Ivorian nationalities who had held high office in the country. More recently, the qualifications for election to high office had become contested.

B. Concept of "ivoirité"

12. On the second issue, the concept of "ivoirité" became heightened in the political tussle for power after the death of President Félix Houphouët-Boigny. Citizenship, nationality, and the right to be elected to high office became linked to this issue and excited deep passions. On the one side, there were those who considered it natural that a country would define the requirements for citizenship or nationality, while on the other, there were those who denounced the exploitation of this concept as having been at the origins of the crisis in Côte d'Ivoire.

C. Constitution

13. On the third issue, the new Constitution adopted in 2002 is an advance over that adopted in 1961, in that it guarantees the separation of powers, abolishes the death penalty and assigns a prominent place to the protection of human rights and public freedoms. Nevertheless, the Ivorian Constitution has created a good deal of resentment within the Ivorian community. Article 35 provides that, in order to be eligible for the presidency of the Republic, any candidate must be of Ivorian origin and born of parents who were themselves Ivorians. On the basis of this new provision, the Constitutional Chamber of the Supreme Court rejected the candidacy of 14 politicians (including that of Alassane Ouattara) who did not meet these new

requirements on the occasion of the 2002 presidential elections. The consequence of this decision was to exclude a large part of the Ivorian population from participation in the management of their country's public affairs and from enjoying equal access to public office.

14. On this issue, government representatives, with article 35 of the Constitution 2002 in mind, pointed out that many countries, including neighbouring countries, had parental requirements on the part of nationals wishing to present themselves for election to the presidency. Others pointed out that the article in question had the effect of preventing someone from running for the presidency who had held the high office of Prime Minister. They noted the incongruity of such a situation.

D. Rural land ownership

15. On the fourth issue, the problem of rural land ownership is a complex one, and gives rise to disputes both among Ivorians and between Ivorians and foreigners. Rural land ownership has been regulated solely by decree. No law in this area was adopted until 1998. Private individuals transferred and sold their property without recourse to the services of notaries. This absence of registration procedures has given rise to many rural land ownership contentions and conflicts.

16. In 1998, the bill on rural land ownership was passed by the National Assembly. The new legislation on rural land ownership establishes the principle that only individuals possessing Ivorian nationality may be landowners and purchase land in rural areas. This situation gives rise to disputes and to feelings of injustice among non-Ivorian owners, who are unable to derive the full benefit from their property, in that the 1998 Act does not permit landowners possessing foreign nationality to hand on their property to their descendants. They can only resell it before it reverts to the public domain.

17. On rural land ownership, Government representatives took the position that a country had the right to establish its property-ownership laws, while others pointed out that the application of the law on rural ownership had the effect of denying possession and use to migrants who had bought properties, established farms and businesses and were carrying on their activities peaceably. They claimed that what was really involved were efforts to dispossess and displace people who were thought to be supporters of the opposition.

18. On the fifth issue, from independence until 1972 individuals settled in Côte d'Ivoire could acquire Ivorian nationality by making a simple declaration to the competent authorities. Since 1972, blood ties have been the predominant factor in Côte d'Ivoire, reducing the various possibilities of obtaining Ivorian nationality. Thus, a person is or becomes Ivorian if he or she:

- Was born of Ivorian parents;
- Is married to an Ivorian;
- Was adopted by an Ivorian;
- Obtained nationality through naturalization.

19. The deteriorating economic conditions have led the Ivorian authorities to make the rules and procedures for obtaining nationality more stringent. In addition, in

1990 the then Prime Minister, Alassane Ouattara, introduced the residence permit for foreigners. This new permit was the source for a substantial accrual of revenue to the State finances, through the levying of a high tax for the issuance of this document. In addition, the residence permit accentuates the difference in status between Ivorians and foreigners.

20. Government representatives considered it natural that a Government would set requirements for the granting of Ivorian nationality, while others thought that the process was deliberately kept opaque and selective for political purposes. Again, it was asserted that the aim was to disenfranchise those considered to be opposition supporters.

21. Whether these different assertions are well-founded or not is not as important as is the fact that there are deep divisions over these issues on the part of different strands of Ivorian opinion which are strongly held. Added to this is the fact that members of the Government and their supporters are pained by the fact that, in their view, their democratic, peaceful and prosperous country has been brought to conflict by rebels who would destroy the country at a wink. The leaders of MPCI, however, saw the Government as lacking legitimacy and accused it of serving the interests of its supporters to the detriment of the country. Everyone looked to the United Nations to help them out of this situation. Interlocutor after interlocutor pleaded for a stronger United Nations role in the peace process. Their faith in the world Organization was touching. The mission promised to pass on this plea to the Secretary-General and the Security Council. It also promised to pass on the pleas of civil society organizations, notably women's organizations, for more humanitarian engagement by the international community. The mission was moved by the pleas of these women leaders who were at pains to understand that their beloved country of tolerance and order had been visited by the demon of conflict.

IV. A snapshot of the humanitarian situation

22. Keeping in mind that conflict has come to a once peaceful and prosperous country, it is important to have in view the consequences of the conflict for the civilian population and the resultant humanitarian needs.

23. The conflict has given rise to a substantial flow of internally displaced persons. Many migrants have returned to their country of origin. The mission visited a number of localities including Yamoussoukro, Daloa and Bouaké, at which it gained an insight into the progression of the humanitarian situation.

24. In a statement issued on 19 December, 2002 the International Committee of the Red Cross expressed its preoccupation that an increasing number of the wounded requiring evacuation from the fighting in the west of the country were women and children. It reminded the belligerents of their obligation to spare and protect civilians, an obligation under international humanitarian law to be respected in all circumstances.

A. Situation of displaced persons

25. According to figures provided by humanitarian organizations, there are over 600,000 internally displaced persons. About 300,000 people have fled Bouaké and

7,000 have fled Daloa. The World Food Programme and other humanitarian agencies and non-governmental organizations (NGOs) are assisting over 160,000 internally displaced persons in Yamoussoukro. About 80 per cent of the displaced are women and children. About 20,000 people have been rendered homeless in Abidjan owing to the deliberate destruction of shantytowns.

26. In December, the appearance of new rebel groups in the west of the country gave rise to further displacements of population towards the frontiers with Liberia and Guinea. Many immigrants wish to return to their country of origin, but their repatriation is made difficult by the numerous combat zones.

B. Situation of refugees

27. There are almost 72,000 refugees in Côte d'Ivoire, 60,000 of them in the reception areas in the north of the country towards the frontier with Liberia. In Abidjan, Bouaké, Man and Korhogo, the refugee population is said to be 12,000. Almost 32,000 Liberian refugees have reportedly returned to Liberia.

28. UNHCR is concerned about the situation of some 60,000 refugees from Liberia in a refugee camp in western Côte d'Ivoire and would like to move them to the south. The mission raised this matter with government ministers, who said they had security problems with such a move since it would be difficult to distinguish who was a refugee and who was a rebel.

C. A snapshot of the humanitarian situation in Yamoussoukro

29. Many displaced persons have found refuge in Yamoussoukro and surrounding areas. They are being assisted by humanitarian agencies.

30. Since 20 October 2002, the Yamoussoukro branches of national humanitarian agencies have received almost 25,000 displaced persons, 60 per cent of them children aged between 0 and 18 and 40 per cent men and women. The humanitarian agencies also fear a risk of the spread of HIV/AIDS as a result of the large number of rapes.

D. A snapshot of the humanitarian situation in Daloa

31. The mission met with the Prefect of the town of Daloa. In his statement, the Prefect emphasized that the population of Daloa is traumatized by the fighting and the possibility of further attacks by the MPCJ combatants whose presence at Vavoua, close to Daloa, creates a climate of insecurity.

32. Almost 22,000 displaced persons are reportedly located in the Daloa region, where they are accommodated by families. Given the large number of displaced persons, a transit centre will shortly be set up and operated in Daloa by the World Health Organization.

33. Where the economy is concerned, the outbreak of fighting has led to the closure of many industries and transport companies; some companies, particularly sawmills, are standing idle as a result of the lack of raw materials.

34. In the social sphere, dismissals have taken place and have had the effect of placing families in a precarious situation.

E. A snapshot of the humanitarian situation in Bouaké

35. The mission met with representatives of humanitarian organizations in Bouaké. They told the mission that Bouaké was effectively a city under siege. About 660,000 people lived there. There was a serious shortage of food, medicines and medical supplies. Economic activity had come to a standstill. Banks and pharmacies were closed. Crops could not be sold because the routes to Abidjan were closed. While the crops of 2002 had been harvested, most of them could not be sold because the traditional route was to Abidjan. The lack of fertilizers and other supplies would render difficult the next year's crops. With the curtailment of economic activity there was high unemployment. The situation, socially, was explosive. Notwithstanding the efforts of the leadership of MPC1, there was pilfering. Humanitarian non-governmental organizations (NGOs) were short of funds and appealed for more contributions from donors. They also appealed for an urgent World Health Organization (WHO) mission to assess the health situation in the city.

36. According to the humanitarian agencies, continuation of the fighting risks creating major shortages in Bouaké region and a food and medical crisis that could lead to a population exodus from the north to the south.

V. The contours of the human rights situation

37. Côte d'Ivoire has ratified the main human rights conventions: the International Covenant on Economic, Social and Cultural Rights (in 1992);³ the International Covenant on Civil and Political Rights (in 1992);⁴ the International Convention on the Elimination of All Forms of Racial Discrimination (1973);⁵ the Convention on the Elimination of Discrimination Against Women (in 1995);⁶ the Convention against Torture and other Cruel, Inhuman or Degrading Treatment or Punishment (in 1987);⁷ and the Convention on the Rights of the Child (in 1991).⁸ It has submitted some reports under these instruments and some reports are outstanding.

38. Although Côte d'Ivoire remains the country of the West Africa subregion that is host to many immigrants, it has not yet ratified the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families.⁸ It has signed the Statute of the International Criminal Court.

39. Among regional instruments, Côte d'Ivoire has ratified the African Charter on Human and Peoples' Rights (1992) and signed the statute establishing the African Court of Human and Peoples' Rights.

40. Côte d'Ivoire has a Minister of Human Rights who, on 12 December 2002, issued a lengthy position paper on the efforts of the Government to respect human

³ See resolution 2200 A (XXI), annex.

⁴ Resolution 2106 A (XX), annex.

⁵ Resolution 34/180, annex.

⁶ Resolution 39/46, annex.

⁷ Resolution 44/25, annex.

⁸ Resolution 45/158, annex.

rights in the midst of a conflict. This effort by the Government faced with an emergency threatening the life of the nation is noteworthy — even if the impact of the Ministry of Human Rights is still to be felt within the country. As the paper recognizes, because of the war imposed on it, the Government of Côte d'Ivoire was led, in the early stages, to take emergency steps in order to ensure the safety of all populations living in the territory, namely in Abidjan, the economic capital city.

41. According to the position paper, it is in this respect that a curfew was implemented as well as the destruction of shanty dwellings, this last step being suspended later on by the head of State for humanitarian reasons. However, this standpoint can be defended security-wise, considering the fact that some hidden stocks of weapons belonging to the assailants had been discovered there. In citing these parts of the paper, the mission does not take a position with regard to them.

42. The position paper openly presents some of the difficulties of the situation facing the Government. It states that the Ivorian army, being in a situation of self-defence, only reacted to the attacks of the assailants for the purpose of freeing the Ivorian territory and ensuring the safety of peoples and properties. Its task is sometimes a delicate one, as sometimes it has to perform clearing operations to get rid of the assailants mingled with the population, or to put an end to the activities of their civilian accomplices.

43. The position paper states that during the fights, to keep public opinion informed of its actions, the Army staff published a daily press release, giving an account of its actions and the situation on the frontline.

44. In an important policy statement, the paper declares that the Ivorian Government says yes to the respect for human rights today and forever, in peacetime as in wartime. There are not many conflicts where one finds such policy commitments. What is crucial, however, is that human rights be protected by tangible actions. On this the jury is still out.

45. As the position paper of the Minister of Human Rights openly accepts, there are human rights problems in Côte d'Ivoire, in the areas under the control of the rebels as well as under the control of Government forces. The mission is satisfied, from the materials it has received and the meetings it has held, that the conflict has had serious repercussions on human rights.

46. The mission compiled information dealing with violations of the right to life, detentions and arbitrary arrests, forced disappearances, acts of torture and other inhuman and degrading treatment, treatment of children, acts of incitement to hatred and xenophobia, violations of the freedom of expression and opinion and damage to public and private property.

A. Violations of the right to life

47. The right to life is protected by article 6 of the International Covenant on Civil and Political Rights and article 4 of the African Charter on Human and Peoples' Rights, and is forcefully asserted in article 2 of the Ivorian Constitution.

48. Violations of the right to life are reflected in the widespread summary, extrajudicial and arbitrary executions carried out since the start of the mutiny in Abidjan, Bouaké and Korhogo. These executions have been carried out by the two

parties to the conflict. In addition, death squads and militias made up of autonomous elements are sowing terror and carrying out executions and abductions. Lastly, violations of the right to life are also reflected in the existence of mass graves.

1. Summary executions

49. According to some estimates provided in response to questions from the mission, between 1,000 and 2,000 people had been killed in the conflict so far. Many of those deaths were the result of summary executions. Human rights organizations, which had done their own investigations on the ground, informed the mission that there had been summary executions on all sides of the conflict. Amnesty International, in a communiqué issued on 19 December following the visit of a delegation to the north of the country, reported on disturbing incidents of executions committed by members of the armed opposition groups, including arbitrary arrest, disappearances and summary executions particularly directed at members of the law and order forces of the Government. Likewise, Amnesty International reported that, in areas under the control of Government forces, there had also been summary executions of people from the north or foreigners.

50. One human rights organization, responding to a specific question from the mission, said that it was aware of some 150 executions committed in government-held areas. It acknowledged that the rebel forces had engaged in widespread summary executions, which, especially at the start of the conflict had been numerous, but they could not place a figure on it.

51. The crisis began on 19 September with a series of summary, extrajudicial and arbitrary executions of political and military leaders in Abidjan. General Guéi, the former head of the military junta, and seven members of his entourage were executed. Three migrants from Burkina Faso (Yabré Sebre, Masse Haidou and Masse Ali) were also executed. According to testimony compiled by Amnesty International, these executions were carried out by the security forces.

52. Other politicians and members of the military were also murdered, including Maître Emile Boga Doudou, Minister of the Interior and Decentralization, and Colonels Dagnou, Dally and Yodé. According to the Government, these executions were carried out by MPCÍ combatants.

53. Many executions of gendarmes and police officers in Abidjan, Bouaké and Korhogo when the MPCÍ combatants advanced into these towns were reported. Other testimony stressed the summary executions of individuals said to have committed thefts in MPCÍ-controlled areas.

54. Many pieces of testimony agree in reporting the summary execution by MPCÍ combatants of about 10 women in the town of Sakassou, about 10 km from Bouaké. These women are said to have been arrested and executed because they were performing a dance of exorcism.

2. Death squads

55. Many murders of politicians, businessmen and others have taken place in the economic capital, Abidjan. According to testimony that was received, these murders are organized by death squads and private militias:

(a) On 2 November 2002, Emile Tehe, the chairman of a small opposition party, the Mouvement Populaire Ivoirien, was executed. His body was found on the main road near the Banco forest in Abidjan;

(b) On 8 November 2002, Dr. Benoît Dakoury-Tabley, the brother of Louis Dakoury-Tabley, the coordinator of MPCl, was murdered after being abducted. Dr. Dakoury-Tabley had previously been held for two days by the Ivorian security forces for questioning;

(c) On 6 November 2002, Rady Philippe Mohamed, the director of a chain of supermarkets ("Le Moins Cher") was attacked at his home by unknown persons and died.

56. Currently, the Government authorities state that they have not identified the members of the squads and attribute these acts to possible settling of accounts. The Government authorities are taking steps to reduce and put an end to these crimes. Investigations are under way; additional security forces (soldiers, gendarmes and police officers) have been deployed throughout the areas controlled by the Government authorities to provide security for families and their property. Lastly, many roadblocks have also been put in place.

57. The mission compiled information to the effect that the death squads are made up of elements close to the Government, the Presidential Guard and a tribal militia of the President's ethnic group. Names were provided.

58. According to the various sources of information, many executions have also been committed by the death squads in Banco forest, Abidjan. Bodies of people executed have been found there. The forest is reportedly now being kept under surveillance by the national army.

59. The death squads are said to be fairly well organized and to have lists of people to be executed. These assertions were confirmed by a number of witnesses. In addition, the national armed forces of Côte d'Ivoire based in Daloa informed the mission of the existence of blacklists of people to be executed circulating in the areas controlled by the MPCl combatants.

3. Mass graves

60. Allegations about the existence of mass graves have been made in respect of three places, Daloa, Bouaké and Monoko-Zohi. The last area is under rebel control in the western part of the country, where the security situation made it impossible for the mission to attempt a visit. There were clashes between rebel forces and the French forces monitoring the ceasefire on the very day that the mission was in the region, at Daloa, some 50 kilometres away.

61. The mission was able to visit Daloa on 27 December and Bouaké on 28 December. On each visit, the mission included a forensics expert with long experience in field investigations. As mentioned above, on the day the mission visited Daloa, there was a clash in Duékoué, some 50 kilometres away. The mission went to Daloa by road, escorted by an Ivorian military detail. The visit to Bouaké came a day after the clash between rebels and the French ceasefire monitoring force in Duékoué. The visit was made possible by the use of a French helicopter and an escort detail by the French forces into the city. Going into Bouaké a day after the clash in Duékoué presented risks to the French forces. The mission is deeply

grateful that, notwithstanding the risks, they courageously facilitated the visit of the mission. As an example of what was involved, a French escort of six men took the mission into Bouaké, a city of throngs of armed forces whose presence was visible in the streets and localities.

(a) Visit to Daloa

62. Daloa saw intensive fighting around 12 to 14 October. It was taken by rebel forces on 13 October and retaken by Government forces on 14 October. Doubtless, soldiers on both sides died in the fighting and, in all likelihood, first the rebel forces and then Government forces engaged in reprisals. According to senior military officers with whom the mission spoke, when the rebel forces took the town on 13 October, some civilians supporting them went with them around the city pointing out Government soldiers in civilian clothing. Some Government soldiers were killed summarily. The mission spoke to an eyewitness, a Government soldier who had been taken with four others who had been manacled and shot to death. He managed to escape because he had not been manacled. The mission was given the names of Government military personnel who were missing.

63. The mission asked the Government military personnel in Daloa whom it met whether there were any mass graves in the city, or reports of such graves. The mission was categorically told that no such mass grave existed save one common grave, containing four bodies. The mission visited the site in the village of Tapequehe accompanied by Government soldiers. The mission was told that seven bodies had been found by the road side and four others had been buried by villagers because they had been in an advanced stage of decomposition. The site was about 30 feet in diameter, with upturned earth showing the marks of vehicles. There was no grass growing on the site. The burials had allegedly been done in October.

64. The mission asked the Government military personnel about reports that some 70 persons, mainly Muslims, had been killed by Government soldiers after they had retaken the town. They indignantly denied this. One of the interlocutors was an instructor in international humanitarian law who had done courses at the International Institute of Humanitarian Law in San Remo, Italy. He said that the Ivorian armed forces were regularly instructed in international humanitarian law and the protection of civilians was part of the credo of the Ivorian army. Furthermore, in the combat to retake Daloa, care had been taken not to target civilian objects. In reporting this, the mission does not take a view on these statements.

65. The mission visited the office of the Procureur in Daloa. Among the questions the mission asked the Deputy Procureur, whom it met in the absence of the Procureur, was one about his experience in seeking to uphold the rule of law in the midst of an armed conflict. He replied that war removed the key requirements for the rule of law and one of the particular problems encountered was the absence of magistrates in the face of advancing armies. The magistrates fled for their lives and there was no one left to call to account military forces — even if that could be done in the case of rebel armies advancing on a city.

66. The mission asked the Government military leaders whether anyone had been brought to justice because of excesses. They answered in the negative.

67. The mission met the Prefect of Daloa, who shared the anguish of the population over the fighting in the city. At the same time, following the retaking of

the city by Government forces, it had received some 11,000 displaced persons whom it had tried to assist as best it could.

(b) Visit to Bouaké

68. In Bouaké the mission met with Mr. Guillaume Soro and a delegation consisting of seven others, military and civilian. They were pleased that the mission had come to Bouaké as they were keen for their position to be understood by the international community.

69. Mr. Soro told the mission that they were surprised that the international community had not foreseen the looming conflict in Côte d'Ivoire, which had been evident since the death of President Félix Houphouët-Boigny. Following his death, as politicians scrambled for power, some exploited ethnic differences. The concept of "ivoirité" had been touted and people were viewed as being between 100 and 15 per cent Ivoirians. "The quality and colour of blood", he said, defined nationality in the eyes of some. That had destabilized the country, which hitherto had been a country of tolerance. The politicians had not been up to the task and had been unable to work out a path to the future after the death of President Houphouët-Boigny.

70. Unfortunately, he continued, those ethnic-based concepts had been incorporated into legal texts, the Constitution being principal among them. At the last presidential elections, only 13 per cent of the electorate had participated. The legitimacy of the elections had, at one stage, even been contested by Mr. Laurent Gbagbo himself. Many local and international leaders had called for new elections. That was the key to the solution of the Ivorian crisis.

71. Even leaving aside the fact that the elections had had a turnout of only 13 per cent, the Government had been unable thereafter to forge a national consensus. Resort to the concept of "ivoirité" had been intensified and people were targeted. The massacre at Youpougon was a case in point. The gendarmerie had been responsible for that massacre. Why had the international community not reacted to that massacre and to the report of the international commission of inquiry? Impunity was rampant in the country.

72. The Reconciliation Forum had made strong efforts, but that had not influenced the Government. Instead, strong-arm tactics had been used by it and its supporters. The problem of the mutineers could have been defused, as President Houphouët-Boigny had done on an earlier occasion in 1990. Statesmanship was required in such a situation. The Government had chosen the path of muscle. Death squads had begun to operate in Abidjan. During the current conflict, Government soldiers had massacred people in Monoko-Zohi, and there were recent reports of common graves in Man and Danané attributable to Government forces.

73. Mr. Soro continued that the MPCJ conflict was not against the people. They had tried hard to insulate civilians from the conflict. The objectives of the MPCJ were to restore the dignity of the people of Côte d'Ivoire. Sovereignty must be restored to the people. The President could not go on. There must be a transition period leading to anticipated presidential elections. The Constitution must be reviewed and the offending parts removed.

74. There was urgent need for a rational negotiating framework. The ECOWAS-led negotiations would not succeed because some of their leaders had themselves

emerged after suspect elections. The United Nations must take a stronger role in the negotiations.

75. The international community must conduct inquiries into atrocities committed by Government forces. At Monoko-Zohi, for example, mercenaries employed by the Government had killed 120 people and buried them in a mass grave. The village was one where there had been only six opposition soldiers who had withdrawn on the approach of the mercenaries. The people killed at Monoko-Zohi, therefore, could not have been killed in combat. It was a sheer massacre. There had been similar massacres by Government soldiers in Daloa.

76. After the presentation by Mr. Soro, the mission asked about measures for the protection of human rights in areas held by MPCl. The MPCl delegation replied that they had given strict orders to respect the population and that those orders were being followed. Any case of pilfering that came to their attention was dealt with. MPCl was careful not to alienate the people in their struggle.

77. The MPCl delegation added that they had the military capacity to move on to, and take, Abidjan but had chosen not to do so up to now, out of a desire to prevent unnecessary suffering on the part of the Ivorian population. That was why they had chosen the path of negotiations. However, the Government had resorted to arms purchases and mercenaries and would bear responsibility in the event of an all-out conflict.

78. The mission asked about reports that MPCl had detainees, including some members of the gendarmerie. The MPCl delegation replied that they did, indeed, have detainees, but did not comment on whether they included members of the gendarmerie.

79. The mission asked about reports that a mass-grave site existed in Bouaké with the remains of dozens of executed members of the gendarmerie. The MPCl delegation denied this. They said that after the fighting there had been many corpses, of Government and MPCl soldiers, who had been buried in a common grave.

80. The mission asked if it could visit the grave site. The MPCl delegation answered in the affirmative and took the mission to a cemetery on the outskirts of Bouaké where, the mission was told, some 50 people had been buried in two common grave sites. The site was one with many mounds, with no grass growing on them. Two of the mounds were said to contain the corpses. The mission's forensic expert inquired into several aspects of the sites and was given general answers.

81. According to information provided by a military official of MPCl, almost 50 uniformed soldiers are buried in the two common graves, with the small grave containing 20 bodies of MPCl combatants and the large one the bodies of members of the national armed forces. Civilians are said not to be buried in the common graves.

82. The mission heard, however, from sources that appeared reliable, that dozens of gendarmes had been executed in Bouaké in the early days of the conflict.

(c) Allegations of the existence of other mass graves

83. The MPCl combatants provided the mission with information on the existence of other mass graves in the combat zones. The mass graves are said to be five in

number, three of them at Man and two at Danané, 72 kilometres from Man. The MPCl combatants also stated that these mass graves came into existence after the recapture of these towns by the national armed forces.

B. Detentions and arbitrary arrests

84. All sides in the conflict have people in detention. The figures are not easy to ascertain. A human rights organization had estimated at 150 the number of people arrested by the forces of law and order of the Government during the period from September to December. However, it did not know how many had been released and how many were still in detention. On the rebel side, it is known that they have many people in detention, including members of the forces of law and order of the Government, but the numbers are not known. It is believed, however, that they had 11 members of the gendarmerie in detention.

1. Allegations of forced disappearances and arbitrary arrests in the areas controlled by the national armed forces of Côte d'Ivoire

85. Journalists and opposition party activists have been arrested by the security forces. The journalists are released fairly quickly as a result of external pressure. The mission received no precise information on the number of people arrested by the security forces. The mission was informed that five people have been detained for several months in the Intelligence Service:

(a) Mamadou Cisse (who is close to the Rassemblement des Républicains party) and navy sergeant Tarine, said to have been detained since 20 September 2002;

(b) Fofana Zian since 13 August;

(c) Gendarmes Cisse Brama and Moussa Kone since 2 September.

86. Since 19 December 2002 Sergeant Alain Guéi, son of the late General Guéi, has been detained in the Abidjan military prison. This information was confirmed by the Minister of Defence.

2. Allegation of disappearance and arrests in the areas controlled by MPCl

87. In Bouaké, the mission was informed that people are being held in secret by the MPCl combatants and that gendarmes are said to be hiding in the town. Since the arrival of the French troops, there have reportedly been no summary executions of gendarmes in Bouaké. The MPCl combatants asserted that they have people in detention, but gave no indication of their number.

88. According to testimony that was received, gendarmes held by the MPCl combatants are compelled to fight in the ranks.

C. Disappearances

89. There are cases of disappearances on all sides of the conflict but the numbers are not known. A human rights organization assessed at 11 the number of disappeared people in Government-held areas. It accepted that disappearances also

took place in the rebel areas but, not having been able to conduct on-the-spot investigations, could not cite a number.

90. In some cases, according to testimony that was received, the disappearances of gendarmes were simply cases of desertion.

D. Torture and inhuman and degrading treatment

91. Acts of torture are prohibited by many conventions, including article 7 of the International Covenant on Civil and Political Rights, article 2 of the Convention against Torture and other Cruel, Inhuman and Degrading Treatment or Punishment and article 5 of the African Charter on Human and Peoples' Rights.

92. Human rights organizations spoke of incidents of torture on all sides. However, there was no evidence that it was widespread. The mission received some information on cases of torture inflicted by the two parties to the conflict and also by the civilian population. Cases of rape, including gang rape, were often mentioned. These acts of sexual violence were also said to be perpetrated by the two parties to the conflict.

1. Acts of torture perpetrated by the MPCJ combatants

93. The national armed forces stationed in Daloa asserted that the MPCJ combatants had cut the throats of soldiers and of some individuals, including Baoulés whose names did not sound as if they were from the north. They also said that the MPCJ combatants had a ritual of drinking their victims' blood and were also said to compel other victims to drink blood and their urine.

2. Acts of torture perpetrated by the national armed forces of Côte d'Ivoire

94. Detention centres exist in the areas controlled by the Government. The gendarmerie and police barracks and schools could be potential locations for detention and torture.

3. Acts of torture perpetrated by the civilian population

95. The civilian population in Bouaké is said to have tortured and killed four MPCJ combatants in the belief that the town had been recaptured by the national armed forces. The civilian population reportedly also burned the bodies of some MPCJ combatants.

4. Acts of sexual violence

96. The mission received repeated reports of abuse of women in the rebel areas. Women and children were the principal victims of the conflict. Women had been raped, gang-raped, sometimes before their children, and some had been killed after being raped. The women's organization representatives with whom the mission met were plaintive about these atrocities. They were totally in contradiction with Ivorian values. How could such things happen in their beloved Côte d'Ivoire? The mission was also told of reports of abuses against women in Government-held areas during after-curfew invasions of homes by men in military uniforms who the Government claims are rebel supporters acting to tarnish the reputation of the forces of law and order and who civil society organizations claim are, at least in part, members of the

law and order forces of the Government acting on their own or to intimidate people. A human rights organization with whom the mission spoke acknowledged that there had been rebel infiltration inside Abidjan.

E. The treatment of children

97. There is no evidence of the recruitment of child soldiers on the part of the Government forces but there are credible reports that the rebel forces are doing so in large numbers. In this respect, the humanitarian agencies are investigating cases of recruitment of youths between 14 and 15 years of age in the rebel-held areas.

F. Acts of incitement to ethnic hatred and xenophobia

98. The Ivoirian crisis is characterized by the scale of acts of hatred and xenophobia. Certain sectors of the Ivoirian population are alleged to have engaged in acts of incitement to ethnic hatred, atrocities against communities of the north, and xenophobic acts.

99. According to the information received, messages of incitement to hatred have also been disseminated over radio and television. These messages have been compared to the xenophobic radio broadcasts which transmitted messages of hatred in Rwanda.

100. As regards the press, the daily newspaper *Le National* is known for its radical positions and xenophobic articles. This newspaper is a conduit for racist comments against the Muslim community and homosexuals. Daily newspapers like *Fraternité Matin* and *Notre Voie* which are close to the Front populaire ivoirien political party publish nationalist messages and incitement to total war. All these acts of incitement to hatred and war create tension within the Ivoirian community. The President of the Republic has spoken out several times to urge his fellow citizens not to attack foreigners.

101. In order to combat all these practices, Ivoirian civil society is mobilizing and conducting activities to raise awareness about human rights and tolerance. The actors of civil society have formed a collective for peace. This collective consists of two non-governmental organizations of international scope (the Groupe d'études et de recherche sur la démocratie et le développement and the Association internationale pour la démocratie) and representatives of Christian, Muslim and Buddhist groups and of two major national non-governmental organizations (the Ligue ivoirienne des droits de l'homme and the Mouvement ivoirien pour les droits de l'homme).

102. With the assistance of the United Nations Development Programme, the collective has undertaken activities in the areas controlled by the national armed forces to prevent inter-community clashes and thus promote peaceful inter-community and inter-religious coexistence. The activities took place specifically in 11 departments and the district of Abidjan. In each place visited, workshops were organized to conciliate and reconcile the population. At the end of the workshops, follow-up committees were established with the aim of preventing and defusing potential conflicts. In the department of Bangourou, the risk of clashes was high, and the political authorities therefore called on the collective to reduce tension. The

collective has just completed the first part of its awareness-raising activities. A review is currently under way.

103. The collective has informed the mission of its desire to extend its activities in the areas controlled by the MPCI combatants, particularly in Bouaké and Korhogo. Meanwhile, the collective will continue its activities in January 2003 in 10 other departments situated in the areas under the control of the Government.

104. Along with these activities, the Ligue ivoirienne des droits de l'homme has prepared posters and brochures to raise awareness about the protection of human rights in time of conflict. These documents are intended for distribution among the civilian population. The Ministry of Human Rights has also prepared documents of this type and brought into service a free hotline enabling the victims or witnesses of human rights violations to make complaints or to inform the authorities about abuses committed in the territory of Côte d'Ivoire.

G. Freedom of expression and of opinion

105. Freedom of expression and of opinion of journalists and political leaders has been threatened since the beginning of the conflict. This conflict is also a war of information (manipulation and disinformation). Each party has its own means of communication. The MPCI combatants have a television station (TV Notre Patrie), a radio station, a newspaper (*Liberté*), a printing works and an Internet site to disseminate their messages.

1. The situation of journalists

106. The press in Côte d'Ivoire is varied and includes nearly a dozen daily newspapers and about 30 other publications. Each political party has its own press group and newspaper.

107. Journalists in Côte d'Ivoire, particularly those who are close to the opposition parties, are the targets of violence, pressure and death threats. Press crimes are punishable by imprisonment in Côte d'Ivoire. Freedom of the press has been threatened since the beginning of the conflict in Côte d'Ivoire. Several national and international journalists have been arrested (and released fairly quickly as a result of foreign pressure) and threatened in the exercise of their profession by the Ivoirian security forces.

108. Destruction of property belonging to press groups and radio stations have occurred:

(a) On 14 October 2002, the editors-in-chief of two newspapers close to the Front populaire ivoirien (*Notre Voie* and *L'Actuel*) were attacked. The editor-in-chief of the newspaper *Le Nouveau Réveil* and the members of his team were physically attacked;

(b) On 16 October 2002, there was an attack on the offices of the Manyama press group in Abidjan, which edits in particular, *Le Patriote* and *Tassouman*, two daily newspapers which are close to the Rassemblement des républicains political party. Moreover, the home of the publication director of the daily newspaper *Le Patriote* was also ransacked by unidentified persons. Because of all these threats

and acts of violence, the daily newspapers *Le Patriote* and *Tassouman* had to suspend their publication;

(c) On 17 October 2002, the offices of Radio Nostalgie at Abidjan were ransacked by a group of men in military uniform.

All these acts have been confirmed and condemned by the Observatoire pour la liberté de la presse, de l'éthique et de la déontologie and by the Government.

109. According to recent information, it is difficult to access international radio stations in Côte d'Ivoire. The installations of these radio stations have also been sabotaged and damaged.

110. All these abuses also endanger the exercise of freedom of expression and of opinion and undermine the expression of pluralism.

2. The situation of political parties

111. The mission met representatives of political groups in Côte d'Ivoire, particularly the Parti démocratique de Côte d'Ivoire (PDCI-RDA), the Parti ivoirien du travail, the Front populaire ivoirien and the Union démocratique et populaire de la Côte d'Ivoire. Only the representatives of the Rassemblement des républicains were absent from the talks. According to the information received, the militants of the Rassemblement des républicains and of the Union démocratique et populaire de la Côte d'Ivoire have encountered threats to the exercise of their freedom of expression and opinion. A number of their militants are alleged to have been arrested, abducted and even executed.

112. Political assassinations have occurred since the beginning of the Ivoirian crisis. The representatives of the Union démocratique et populaire de la Côte d'Ivoire have stressed that their party has been the victim of many abuses which have led to a series of summary executions and arrests, particularly the execution of General Guéi and many militants, abductions and arrests of nearly 80 militants suspected of being accomplices of MPCCI combatants. The Union démocratique et populaire de la Côte d'Ivoire is calling for clarity and justice in relation to these abuses.

113. With the climate of terror established by the death squads, political representatives fear abductions and arrests of their militants. This situation forces them to hide and regularly change their domicile so as not to be found by the death squads and the militia.

114. Moreover, political representatives have challenged the Government with regard to the need to ensure the security of persons and property. Despite the establishment of a curfew, abuses are taking place in Abidjan. In this climate of widespread insecurity, freedom of opinion of political parties is threatened or restricted. Some party representatives have stressed the fact that persons who have openly criticized the authorities have been murdered.

115. In the context of the search for peace, political representatives have given their support to the Government, in particular by signing the Declaration of 22 December 2002. Some political representatives feel that this document has many procedural defects and has been imposed on them. However, the representatives of political parties are said to be prepared to work to find a peaceful solution to the crisis. In this respect, they would like to be associated with the negotiation process.

H. Attacks on private and public property

116. Many attacks on private and public property have been perpetrated by the government authorities, the national security forces, the MPCI combatants and also by the civilian population. Most of the attacks involve destruction of property, looting and theft. Nearly 16 shantytowns are reported to have been destroyed in Abidjan.

1. Destruction of property

(a) Destruction of property in areas under the control of the government authorities

117. The Government accepts that it had been official policy to destroy homes in shantytowns. They gave as explanation for this sanitary reasons, housing policy reasons and security reasons. The destruction of homes affected some 20,000 people. The mission visited some of these areas and was pained at the sight of homes razed, cars burned and people left destitute. Conscience had taken flight in the destruction of these homes.

118. Since 20 September, the security forces, at the request of the government authorities, have undertaken the destruction of shantytowns. Nearly 16 shantytowns are reported to have been destroyed in Abidjan. During these operations, many homes were burned and razed. Moreover, cases of theft, violence and looting perpetrated by the security forces and the civilian population against the inhabitants of these neighbourhoods have been reported by human rights advocates.

119. The result of this policy has been the destruction of many dwellings belonging above all to immigrants originating from West Africa who are believed to have found refuge with their families or friends in Abidjan and in the villages. Some of them have returned to their countries of origin.

120. In October 2002, the President of the Republic called for an end to the destruction of shantytowns. Despite this decision, destruction is continuing. According to the information received, mayors are taking advantage of this crisis situation to resolve their urban space problems by destroying other shantytowns. In San Pedro, the mayor is reported to have begun destroying other shantytowns.

(b) Destruction of property in areas controlled by the Mouvement patriotique de la Côte d'Ivoire

121. The MPCI combatants have settled in various public buildings. No act of destruction of public or private buildings has been observed in Bouaké. However, the government authorities and other sources are reporting destruction by MPCI combatants of civil registers in the prefectures.

2. Looting and desecration

122. Acts of looting have taken place in several towns, both in the areas under the control of the Ivoirian armed forces and in the areas under the control of the MPCI combatants. Moreover, combatants of the two new armed movements which have appeared in the west of Côte d'Ivoire also are said to have engaged in looting.

(a) In Abidjan

123. Many cases of looting have been reported during destruction of shantytowns. The inhabitants of these neighbourhoods are said to have been assaulted and beaten up by the security forces.

(b) In Daloa and surrounding areas

124. The FANCI based in Daloa claim to have received testimony from the deputy of Blolequin reporting cases of looting and desecration of a cemetery in this district.

(c) In Bouaké

125. Since the arrival of the French forces at Bouaké, it has been observed that the MPC1 combatants are making efforts to avoid acts of looting.

3. Cases of theft

126. Many cases of theft have been reported in several neighbourhoods, particularly in Abidjan, Daloa and Bouaké.

(a) In Daloa

127. The prefect of Daloa has alleged that thefts have occurred in his district. These acts are believed to have been perpetrated by prisoners released by the MPC1 combatants, who do not have the administrative capacity to monitor prisons and therefore release all prisoners in their area of control.

(b) In Bouaké

128. The mission has received information about thefts of poultry and cattle. It has also been confirmed that MPC1 combatants are releasing prisoners.

I. International humanitarian law

129. There is little evidence of respect for international humanitarian law in the conflict. The International Committee of the Red Cross and other organizations have called upon the armed forces of the different sides to abide by common article 3 of the Geneva Conventions and the provisions of international humanitarian law. One human rights organization which the mission met was distributing pamphlets to the armed forces reminding them of their responsibilities to respect humanitarian rules.

VI. Analysis of the human rights situation

130. In examining the human rights situation in Côte d'Ivoire, it is important to keep in mind that, whatever the political, economic and social factors that have contributed to the predicament of the country, a peaceful and prosperous country which had become home to millions of neighbouring nationals was suddenly plunged into conflict by the acts of mutinous rebels. Such a situation would challenge the government of any country.

131. Second, it is an acknowledged fact that the overwhelming majority of summary executions have been committed in the course of armed conflict. The country is bearing the terrible infractions of war.

132. Third, the Government and the security forces have had to make quick adjustments from defensive thinking to fighting a war. The period of time involved so far, some three months, has called for quick shifts in thinking, tactics and strategies. In the midst of all of this, human rights organizations acknowledge that there is at least the possibility of some rebel infiltration inside Abidjan.

133. Fourth, the Government has appointed a Minister of Human Rights, who has set out Government policy to uphold human rights and has been active on different fronts. The practical results so far are not evident. Nevertheless, it is not often that one sees in such a situation a Government making the effort of designating a minister to watch over human rights. It is important that the Minister be given the means to make her Ministry effective.

134. Fifth, the Government acknowledges that, in an exceptional situation, there have been some excesses. It says that it is trying to deal with them but there has not been concrete information of persons charged or brought to justice, although the mission was assured at the highest level that cases were being processed.

135. Sixth, the Government acknowledges that it ordered the destruction of shantytowns involving some 20,000 people but that this had stopped. This issue gives rise to great problems of conscience. It is hard to justify the deliberate destruction of buildings where human beings make their homes and live. The mission visited some of the sites and saw homes razed, cars burned and piled up, and people left desolate. This is a situation that cries out for justice and reparation.

136. Seventh, the mission could sense that, unless swift measures are taken by the Government to prevent, protect and bring to justice those responsible for excesses, the situation could slide suddenly into the abyss of human rights violations, especially if the feeling grows that a continuing war has been thrust upon a stable, prosperous, tolerant and once peaceful country or if the de facto siege of Bouaké is prolonged. It is this danger of a slide into the abyss that the mission is most fearful about.

137. Eighth, many persons with whom the mission spoke were incredulous that no follow-up had been given to the report of the United Nations inquiry mission into the Youpougon massacre. They thought that adequate follow-up to that report might have helped prevent the subsequent slide into violence. Lack of follow-up had contributed to widespread impunity. In the wake of their experience with that report, some people met the mission with scepticism. The mission promised to transmit that scepticism to the responsible bodies at the United Nations.

VII. Human rights in the peacemaking process

138. In the ceasefire and related documents signed by the parties in October, there are provisions on humanitarian issues and some mention of human rights-related issues, but human rights per se are not prominent. This is similarly the case with the documents under consideration in the ECOWAS peacemaking process.

139. President Laurent Gbagbo announced his peace plan while the mission was in the country, and there were skeletal reports of it in the press. However, as of the time of writing of the present report (29 December 2002), the mission had not seen the text.

140. There is a "Collectif des ONG pour la Paix" active in Côte d'Ivoire. Its membership includes church, human rights, pro-democracy organizations, women's organizations and others. The mission was impressed by their work for peace. They insisted that the conflict in Côte d'Ivoire was not an ethnic or religious conflict. Ivorians had always lived together in harmony. Rather, the conflict was a political one. This message was reiterated by several interlocutors who stressed that it was the political leadership of the country that was at issue. In-fighting among them had destabilized the country and paved the way for war. Political ambition had wreaked havoc and destruction. The transition from a one-party State to a multiparty democracy had been, and remains, painful.

141. The mission calls upon the international community to support in every possible way the action taken on the ground by humanitarian agencies and organizations for the protection of human rights.

VIII. Paths to the future

142. One thing is clear: Côte d'Ivoire urgently needs peace if it is to avoid the slide into further atrocities and all-out war. Ivorians of all stripes are looking to the United Nations to play a central role in the peace process. Moreover, the United Nations is viewed by Ivoirian society and the two parties to the conflict as the only organization capable of restoring peace. In view of the scale of human rights violations, the mission suggests that strategies and/or measures to safeguard human rights and protect civilian populations should be included in the agenda of the negotiating process and in any peace plan.

143. Second, the Government and the rebel leaders must emphasize efforts to prevent excesses, to protect people at risk and to bringing to justice those responsible for excesses. There should be no impunity for those who have committed grave violations of human rights and humanitarian law.

144. Third, the human rights-related issues that are at the heart of the political disputes must be addressed dispassionately. Consensual processes need to be created, bearing in mind the decisions already adopted through democratic processes. The people and the Government should not be pressurized through the resort to violence. Many people the mission met could not understand why the decision regarding the leadership of the country could not be made at the next scheduled presidential elections, due in 2005. Was it worth war to settle political disagreements?

145. Fourth, Côte d'Ivoire needs to project a vision of the future that embraces all of its people under the tent of human rights and humanitarian values. Attentiveness to the principle of non-discrimination on grounds of national origin would be important in such a projection of a national vision. The country, which had become home to millions of neighbouring nationals, is now challenged by the need to manage its own diversity. It is a spectacular case of a prosperous country with legendary hospitality that now had to grapple with the immigrant sector of its

population and their descendants, and with the political repercussions of their sympathies. One feels for the country.

146. Fifth, speeding up the establishment of a national human rights commission would send the right signals to Ivorians. The message that should come out of the establishment of such a commission is that the country intends to work towards a culture of human rights in the future.

147. Sixth, the announcement, at the highest levels, of a national human rights plan of action would send similar signals. The plan should embrace some of the central issues that are challenging the cohesiveness of the nation.

148. Seventh, the submission of outstanding reports before human rights treaty bodies would be important learning experiences. Through such processes, a Government could be assisted to negotiate the paths of coexistence in a diverse country anchored in the values of human rights and humanitarian law.

149. Eighth, the country will eventually need to learn lessons from atrocities that have been committed, especially the atrocities against women. How had Côte d'Ivoire come to such a pass? How could such things happen in a country of values and tolerance?

150. Ninth, the mission encourages the international community to develop, specifically for Ivorian journalists and all personnel in this sector, training in professional ethics and the role of the media in the culture of peace, tolerance and human rights. These programmes must have the goal of promoting the emergence in Côte d'Ivoire of an independent, impartial and tolerant press.

151. Tenth, there is the issue of reconciliation and justice. Côte d'Ivoire will need to negotiate paths to the future that are firmly grounded in human rights values. Justice, reconciliation and peace must be done and be seen to be done.

IX. Conclusion

152. The mission wishes to thank all those who facilitated its work: the organizations and diplomatic missions it contacted before leaving; the Permanent Mission of Côte d'Ivoire in Geneva; the United Nations Country Team, which was most helpful; the President, Ministers and other members of the Government, who were all courteous and cooperative; human rights organizations in the country; diplomatic missions; civil society organizations; church leaders; the armed forces of Côte d'Ivoire and of France; leaders of MPC1 and the members of the French ceasefire monitoring force who courageously and courteously assisted the mission.

153. The mission was a fast-moving one, but it did manage to speak to a cross section of Ivorian society and to obtain a reasonable picture of the human rights situation in the country. The mission reiterates the premises on which its activities took place: to return to full respect for human rights the restoration of peace is crucial. Ivorians expect the United Nations to contribute to bringing about peace. In fact, they attached the highest importance to the United Nations role. Second, even in the search for peace in the midst of conflict, fundamental standards of human rights and humanitarian law must be upheld. This is the essence of the humanitarian traditions of Côte d'Ivoire: a society with a strong democratic spirit and yearning for the rule of law and respect for human rights for all, without discrimination on grounds of nationality or origin.

Recommendations

154. As Ivorians seek to re-establish peace in their country, it will be important to anchor that peace in the observance of human rights. From this perspective, consideration may be given to ideas such as the following:

1. Agreement by all parties on a human rights platform along with a general ceasefire. This will help monitoring and reporting, and lay the basis for accountability;
2. It would be important to undertake serious investigations into grave breaches of human rights and humanitarian law. There should be no impunity for grave breaches of international human rights and humanitarian law;
3. Members of death squads must be identified and brought to justice;
4. All parties should make a commitment to the establishment of a truth and reconciliation commission;
5. All parties should commit themselves to a national human rights action plan and to an independent and inclusive national commission on human rights;
6. All parties should also commit themselves to a national, independent and inclusive media commission;
7. There is need for an independent organ to deal with relations between the Army and civilians in the frame of a broader discussion on army reform. The outcome of such a discussion will be key to the sustainability of any peace or political deal;
8. Every effort should be made to bring about a national consensus on the national constitution, keeping in mind the provisions of international human rights law. A similar consensus must be sought on the law regarding ownership of rural property;
9. It would be healthy for the country to have an independent assessment of the question of nationality, of claims of destruction of identification documents, and of the way the National Identity Office has functioned so far;
10. The electoral laws should be independently reviewed from the point of view of international human rights norms on the right of all citizens to participate in the political life of the country;
11. The issues of disarmament, demobilization and rehabilitation will need to be addressed carefully, with support from international donors;
12. The Government should give urgent consideration to the ratification of the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families;
13. The Government should ratify the International Convention against the Recruitment, Use, Financing and Training of Mercenaries;
14. All victims, including those of house demolition and expulsions, should receive full and adequate reparation.



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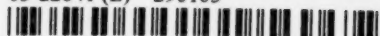
Letter dated 24 January 2003 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council

I have the honour to transmit to you herewith a detailed report issued by the Korean Central News Agency (KCNA) on 21 January 2003 on the circumstances of the withdrawal of the Democratic People's Republic of Korea from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT) (see annex III).

While wishing to draw your attention to the KCNA detailed report, I also transmit herewith a letter dated 10 January 2003 addressed to you from Paek Nam Sun, Minister for Foreign Affairs of the Democratic People's Republic of Korea, on the decision of the Democratic People's Republic of Korea Government to revoke the "suspension" on the effectuation of its withdrawal from the NPT (see annex I) and a statement issued by the Democratic People's Republic of Korea Government on 10 January 2003 (see annex II).

I should be grateful if you could have the text of the present letter and its annexes circulated as a document of the Security Council.

(Signed) **Pak Gil Yon**
Ambassador
Permanent Representative



Annex I to the letter dated 24 January 2003 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council

Letter dated 10 January 2003 from the Minister for Foreign Affairs of the Democratic People's Republic of Korea addressed to the President of the Security Council

Upon authorization, I inform the Security Council of the United Nations that the Government of the Democratic People's Republic of Korea decided on 10 January 2003 to revoke the "suspension" on the effectuation of its withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), according to which the DPRK's withdrawal from the NPT will come into effect.

In this regard, I would like to recall that the Government of the DPRK decided on 12 March 1993 to withdraw from the NPT and that its Minister for Foreign Affairs addressed a letter to the Security Council on the same day, as contained in document S/25405, notifying it of the Government's decision on the withdrawal from the NPT in accordance with paragraph 1 of Article X of the Treaty.

I also recall that, through the Joint Statement of the DPRK and the United States of America dated 11 June 1993, the Government of the DPRK decided to "unilaterally suspend as long as it considers it necessary" the effectuation of the DPRK's withdrawal from the NPT one day before the coming into effect of its withdrawal from the NPT on 12 June 1993, and that the United States informed the Security Council of the above on 14 June 1993.

Therefore, in accordance with the DPRK Government's decision of 10 January 2003, the DPRK's withdrawal from the NPT will be effectuated fully from 11 January 2003, the day after the submission of the present letter to the Security Council.

This measure conforms fully with the purposes and principles of the United Nations Charter, as it becomes a rightful self-defensive measure to safeguard the sovereignty and right to existence of the country and nation, which are at the crossroads of life and death due to the ever-intensifying United States hostile policy and pressure on the DPRK.

Enclosed herewith is a copy of the statement of the Government of the DPRK dated 10 January 2003 (see annex II), which explains the details concerning the Government's decision.

(Signed) **Paek Nam Sun**
Minister for Foreign Affairs
Democratic People's Republic of Korea

Annex II to the letter dated 24 January 2003 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council

Statement of the Government of the Democratic People's Republic of Korea dated 10 January 2003

A dangerous situation where our nation's sovereignty and our State's security are being seriously violated is prevailing on the Korean peninsula due to the vicious, hostile policy of the United States of America towards the Democratic People's Republic of Korea.

The United States instigated the International Atomic Energy Agency (IAEA) to adopt another resolution against the DPRK on 6 January, in the wake of a similar resolution adopted on 29 November 2002.

Under its manipulation, the IAEA, in those resolutions, termed the DPRK "a criminal" and demanded that it scrap what the United States called a "nuclear programme" at once in a verifiable way, in disregard of the nature of the nuclear issue, a product of the hostile United States policy towards the DPRK, and its unique status since it declared a suspension of the effectuation of its withdrawal from the Nuclear Non-Proliferation Treaty (NPT).

Following the adoption of the latest resolution, the IAEA Director General issued an ultimatum to the effect that the Agency would bring the matter to the United Nations Security Council to apply sanctions against the DPRK unless it implemented the resolution in a few weeks.

This clearly proves that the IAEA still remains a servant and a spokesman for the United States and the NPT is being used as a tool for implementing the hostile United States policy towards the DPRK intended to disarm it and destroy its system by force.

Particular mention should be made of the fact that the IAEA, in the recent resolution, kept mum about the United States, which has grossly violated the NPT and the DPRK-United States Agreed Framework, but urged the DPRK, the victim, to unconditionally accept the United States demand for disarmament and forfeit its right to self-defence, and the Agency was praised by the United States for saying all that the United States wanted it to. This glaringly reveals the falsehood and hypocrisy of the signboard of impartiality the IAEA put up.

The DPRK Government vehemently rejects and denounces this resolution of the IAEA, considering it a grave encroachment upon our country's sovereignty and the dignity of the nation.

It is none other than the United States which wrecks peace and security on the Korean peninsula and drives the situation there to an extremely dangerous phase.

After the appearance of the Bush Administration, the United States listed the DPRK as part of an "axis of evil", adopting this as a national policy to oppose its system, and singled it out as a target of pre-emptive nuclear attack, openly declaring a nuclear war.

Systematically violating the DPRK-United States Agreed Framework, the United States brought up another "nuclear suspicion" and stopped the supply of heavy oil, reducing the Agreed Framework to a dead document.

It also answered the DPRK's sincere proposal for the conclusion of the DPRK-United States non-aggression treaty and its patient efforts for negotiations with such threats as "blockade" and "military punishment" and with an arrogant attitude, blustering that it may talk but negotiations are impossible.

The United States went so far as to instigate the IAEA to internationalize its moves to stifle the DPRK, putting its declaration of a war into practice. This has eliminated the last possibility of solving the nuclear issue of the Korean peninsula in a peaceful and fair way.

It was due to such nuclear war moves of the United States against the DPRK and the partiality of the IAEA that the DPRK was compelled to declare its withdrawal from the NPT in March 1993, when a touch-and-go situation was created on the Korean peninsula.

As it has become clear once again that the United States persistently seeks to stifle the DPRK at any cost and the IAEA is used as a tool for executing the hostile United States policy towards the DPRK, we can no longer remain bound to the NPT, allowing the country's security and the dignity of our nation to be infringed upon.

In a grave situation where our State's supreme interests are most seriously threatened, the DPRK Government adopts the following decisions to protect the sovereignty of the country and the nation and their right to existence and dignity:

Firstly, the DPRK Government declares an automatic and immediate effectuation of its withdrawal from the NPT, on which "it unilaterally announced a moratorium as long as it deemed necessary" according to the 11 June 1993, DPRK-United States Joint Statement, now that the United States has unilaterally abandoned its commitments to stop nuclear threats and renounce hostility towards the DPRK in line with the same statement.

Secondly, it declares that the withdrawal of the DPRK from the NPT is totally free from the binding force of the Safeguards Agreement with the IAEA under its article 3.

The withdrawal from the NPT is a legitimate self-defensive measure taken against the United States moves to stifle the DPRK and the unreasonable behaviour of the IAEA in following the United States.

Though we pull out of the NPT, we have no intention to produce nuclear weapons, and our nuclear activities at this stage will be confined only to peaceful purposes such as the production of electricity.

If the United States drops its hostile policy of stifling the DPRK and stops its nuclear threat against the DPRK, the DPRK may prove through a separate verification between the DPRK and the United States that it does not make any nuclear weapons.

The United States and the IAEA will never evade their responsibilities for compelling the DPRK to withdraw from the NPT, by ignoring the DPRK's last efforts to seek a peaceful settlement of the nuclear issue through negotiations.

Annex III to the letter dated 24 January 2003 from the Permanent Representative of the Democratic People's Republic of Korea to the United Nations addressed to the President of the Security Council

Detailed report of the Korean Central News Agency dated 21 January 2003 on the circumstances of the withdrawal of the Democratic People's Republic of Korea from the Treaty on the Non-Proliferation of Nuclear Weapons

If the United States of America abandons its hostile policy and refrains from nuclear threat, the Democratic People's Republic of Korea may substantiate through a special verification between the two countries that it does not manufacture nuclear weapons. The nuclear issue of the Korean peninsula should be settled peacefully through fair negotiations that call upon both the DPRK and the United States to clear each other of their concerns on an equal footing. This is the consistent stand of the DPRK Government.

The Korean Central News Agency (KCNA) stresses this in a detailed report on the circumstances of the DPRK Government's withdrawal from the Treaty on the Non-Proliferation of Nuclear Weapons (NPT), which was released on 21 January 2003.

On the details of the DPRK's accession to the NPT

The purpose of the DPRK's accession to the NPT was to remove the United States nuclear threat to it and, mainly, to satisfactorily solve the power problem with nuclear energy.

After deciding to regard light-water reactors as main means of electricity production in the country, the DPRK had contacts with some developed countries to purchase such reactors, but in vain. None of them responded to our request.

To begin with, we intended to buy advanced light-water reactors from Western countries such as Canada, Sweden and France but failed to do so due to the United States obstruction based on the Coordinating Committee on Export Controls.

So we had to negotiate with the former Soviet Union on this matter, though its light-water reactor was less advanced than Western countries' in technical aspects. At that time, the Soviet Union contended that its offer of nuclear-related technology to the DPRK would be possible only when it acceded to the NPT and signed the Safeguards Agreement with the International Atomic Energy Agency. So the DPRK prudently examined this matter.

The DPRK acceded to the NPT on 12 December 1985 for the purpose of ensuring international cooperation in the nuclear power industry and, at the same time, removing the nuclear threat to itself and turning the Korean peninsula into a nuclear-free zone.

On the circumstances of the delayed conclusion of the Safeguards Agreement

Even after the DPRK's accession to the NPT, the United States escalated its nuclear threat to the DPRK, making it impossible for the former to sign the Safeguards Agreement according to the NPT.

On 7 January 1992, the South Korean Defence Ministry and the United States Department of Defense and the South Korea-United States "combined command" jointly declared the discontinuation of the "Team Spirit" joint military exercises. High-level talks were held between the DPRK and the United States on 22 January 1992.

As conditions and circumstances were created after the United States and South Korea made a verbal promise, the DPRK signed the Safeguards Agreement with the IAEA on 30 January 1992.

The third session of the ninth Supreme People's Assembly of the DPRK, held on 9 April 1992, approved the Safeguards Agreement on the premise that none of the depositories of the NPT would deploy nuclear weapons on the Korean peninsula and pose a nuclear threat to the DPRK, and the DPRK informed the IAEA of this approval on 10 April, the following day.

The Safeguards Agreement between the DPRK and the IAEA thus came into force on 10 April 1992.

On the details of the DPRK's declaration of its withdrawal from the NPT

After the conclusion of the Safeguards Agreement between the DPRK and the IAEA, the United States spread the rumour about "suspected nuclear activities" in the DPRK's graphite-moderated reactor and its related facilities, sparking a "nuclear crisis".

An agreement was reached between the DPRK and the former Soviet Union on economic and technical cooperation in building nuclear power plants in 1985, after the DPRK's accession to the NPT. But this agreement was not implemented except for a site survey done for the project.

We therefore adopted it as a policy to create a nuclear power industry suited to our specific conditions, to live our own way, and began developing our own nuclear power technology.

For the development of its nuclear power industry, the DPRK chose a graphite-moderated-type reactor which could be developed not with any other country's raw materials but with its own rich resources and technology.

Over the past years, the DPRK has honestly fulfilled its commitments under the Safeguards Agreement.

We presented the initial inventory report on nuclear material and design information on nuclear facilities to the IAEA secretariat on 4 May 1992, far ahead of schedule; they were to be sent at the end of the year under articles 42 and 62 of the Safeguards Agreement.

We also ensured the visit to the DPRK by the IAEA delegation, led by its Director General from 11 to 16 May 1992, allowing it to inspect all the nuclear facilities it wished to see and even the objects it considered doubtful.

We provided full cooperation to the IAEA's ad hoc inspection team in its activities on six occasions.

However, the United States and its followers of the IAEA secretariat used such inspections under the NPT and the Safeguards Agreement to spy on the DPRK and undermine its socialist system.

Some of the IAEA secretariat systematically conveyed the results of the IAEA's inspections of the DPRK to the United States, which, under the pretext of what the IAEA called "inconsistency", demanded a "special inspection" of the DPRK's military objects, complicating the nuclear issue of the Korean peninsula.

The United States invited the IAEA Director General to a United States House of Representatives joint hearing on 22 July 1992, to inform it of the DPRK's nuclear programme, while urging him to conduct a "special inspection" or "surprise inspection" of the DPRK.

Raising a hue and cry over the "suspected nuclear development" in the DPRK, the United States instigated some members of the IAEA secretariat and certain member nations of the Agency to adopt, at the February 1993 meeting of the IAEA Board of Governors, an unreasonable resolution, which called for an inspection of the DPRK's military facilities that have nothing to do with nuclear activities.

Timed to coincide with the adoption of this resolution, the United States resumed the already suspended "Team Spirit", again seriously threatening the DPRK's sovereignty and right to existence.

Talks between the DPRK and the United States were held to discuss the nuclear issue at the former's request, but came to a rupture due to the long-standing hostile relationship and distrust between the two countries.

Under the prevailing situation, the DPRK proclaimed a semi-state of war to defend the sovereignty and security of the country and decided to withdraw from the NPT on 12 March 1993 to protect its supreme interests.

It also took the measure of withdrawing from the IAEA on 13 June 1994, as the 10 June 1994 meeting of its Board of Governors had adopted a resolution on the suspension of the Agency's cooperation with the DPRK, calling for opening its military objects under the pretext of the nuclear issue.

On the DPRK's unique status

The DPRK's sincere efforts to prevent the outbreak of a war on the Korean peninsula and ensure regional peace and stability, and the strong demand of the world's peace-loving people, compelled the United States to come to the negotiating table for a peaceful solution to the nuclear issue of the peninsula.

The DPRK-United States Joint Statement was adopted on 11 June 1993 after several rounds of bilateral negotiations.

In the Statement, the United States promised not to use force, including nuclear weapons against the DPRK or to threaten it with them, but to respect its sovereignty and refrain from interfering in its internal affairs.

The DPRK decided to temporarily suspend the effect of its withdrawal from the NPT as long as it considers necessary.

The DPRK had thus been placed in a unique status as regards its relations with the NPT. This unique status was also recognized by the United States and the IAEA secretariat.

After the publication of the DPRK-United States Joint Statement, three-phased talks took place between the two countries, and they resulted in the adoption of the DPRK-United States Agreed Framework on 21 October 1994, which called for a fundamental solution to the nuclear issue on the Korean peninsula.

On the effectuation of the DPRK's withdrawal from the NPT, on which it had declared a moratorium

The United States had no will to implement the Agreed Framework from the beginning and has systematically violated it, calculating that the DPRK would collapse.

It has not honoured its commitment to provide light-water reactors to the DPRK. The key point of the Agreed Framework is the United States provision of light-water reactors to the DPRK in return for its freeze on nuclear facilities.

The United States deliberately delayed its conclusion of a contract on the provision of light-water reactors to the DPRK, urging it to receive South Korean-type light-water reactors.

As a result, the agreement on the provision of light-water reactors between the DPRK and the United States-led Korean Peninsula Energy Development Organization was concluded on 15 December 1995, almost eight months after 21 April of the same year, the last day cited in the Agreed Framework.

Only site preparation has been done in the project of the light-water reactors which the United States committed itself to provide to the DPRK by 2003 under the Agreed Framework.

Due to the delayed provision by the United States of light-water reactors the DPRK suffered a huge loss of electricity and underwent a grave economic crisis, which led to the present situation, where even its right to existence is seriously threatened.

The United States has not sincerely honoured its legal commitment to annually supply 500,000 tons of heavy oil to the DPRK in compensation for the energy loss caused by its freeze on graphite-moderated reactors and their related facilities until the No. 1 light-water reactor power plant is completed, in line with paragraph 2 of article 1 of the Agreed Framework.

At the DPRK-United States New York talks held in March 2000 the DPRK side suggested that the United States compensate for the loss of electricity caused by the delayed provision of the light-water reactors.

On 14 November last year the United States decided to stop supplying heavy oil to the DPRK from December, thus abandoning the last commitment it had been honouring under the Agreed Framework.

This compelled the DPRK to restart its nuclear facilities, which had been frozen under the Agreed Framework, to make up for a vacuum created in power generation due to the United States decision to stop supplying heavy oil to the DPRK.

According to article 2 of the Agreed Framework, the DPRK Government decided to lift the measures whereby United States-made goods were restricted from entering the DPRK and United States-flagged trading vessels were banned from entering ports in the DPRK when involved in the DPRK's trade with other countries from mid-January 1995, three months after the adoption of the Agreed Framework. But the United States lifted only part of symbolic sanctions applied against the DPRK in travel, telecommunications, finance and passage through territorial air, but did not take any substantial measures to ease sanctions in such fields as trade and investment barriers.

Under article 3 of the Agreed Framework the United States is committed to giving the DPRK formal assurances against the use or threat of nuclear weapons.

In 1993, when the DPRK-United States talks for a peaceful settlement of the nuclear issue on the Korean peninsula were under way, the United States worked out a "New Operation Plan 5027" for a pre-emptive nuclear attack on it behind the curtain of the dialogue and systematically stepped up its preparations to put it into practice to stifle the DPRK.

From early in 1995, the Foal Eagle 95, Hoguk 96, Rimpac 98, Hwarang 98 and Ulji Focus Lens joint military exercises and other, nuclear war exercises targeted against the DPRK were frantically staged on the land, on the sea and in the air in all parts of South Korea almost every day of every year.

In February 1997 the United States moved depleted uranium shells from its Okinawa base to South Korea to deploy them there for an actual war, and on 8 June that year it issued an interim report on the re-examination of the United States-Japan Defence Cooperation Guidelines in Honolulu.

In January 1999 the United States Defense Secretary and the Chairman of the United States Joint Chiefs of Staff flew into South Korea to hold the twentieth meeting of the Military Commission and the thirtieth annual Security Consultative Meeting with South Korean brass hats, at which they released a joint statement. In that statement they claimed that the DPRK remained a constant threat to their national interests and they would strongly retaliate against the DPRK with nuclear weapons and all other means in case of emergency.

No sooner had the authorities of the Bush Administration taken office than they adopted it as their policy to stifle the DPRK by force and put the already started bilateral talks in total stalemate.

Bush went so far as to let loose vituperation against the supreme leadership of the DPRK and dubbed the DPRK "part of an axis of evil" in his State of the Union message delivered at the Congress on 30 January 2002.

Particular mention should be made of the fact that the Bush Administration even went so far as to list the DPRK as a target of its pre-emptive nuclear attack, thus totally destroying the foundation of the Agreed Framework and wantonly violating the basic spirit of the NPT.

In the wake of the visit to Pyongyang of the United States President's special envoy early in October last year, the Bush Administration groundlessly asserted that the DPRK had pushed ahead with its nuclear programme in violation of the Agreed Framework, and blustered that there would be no bilateral talks and that would

adversely affect the DPRK-Japan and inter-Korean relations unless the DPRK scrapped its programme.

The United States insisted on the brigandish assertion that the DPRK should receive nuclear inspection, though it was stipulated in article 4 of the Agreed Framework and elsewhere that the DPRK would receive it only after turbine, generator and other non-nuclear parts of light-water reactors were delivered to it, thus driving the situation to a worse phase than that of the early 1990s.

The United States again instigated the IAEA on 6 January this year to adopt an anti-DPRK resolution in the wake of the similar one on 29 November last year.

The United States, which openly scrapped the Agreed Framework, instigated even the IAEA to internationalize its moves to stifle the DPRK, thus putting into practice its declaration of a war against the DPRK.

This compelled the DPRK to withdraw from the NPT, which is being misused as a tool for implementing the hostile United States policy towards the DPRK, in order to protect its sovereignty and right to existence.

As seen above, the nuclear issue on the Korean peninsula is a product of the hostile United States policy towards the DPRK, and therefore it is an issue to be settled between the DPRK and the United States through negotiations.

The conclusion of a non-aggression treaty between the DPRK and the United States would provide the only realistic way of fundamentally solving the nuclear issue on the Korean peninsula and peacefully settling the obtaining grave situation.

If the United States signs the treaty and legally assures the DPRK of its non-aggression, including the non-use of nuclear weapons, the DPRK can also clear the United States of its security concerns.

Though the DPRK pulled out of the NPT, its nuclear activities will be limited to peaceful purposes, including power generation, at the present stage.



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Identical letters dated 23 January 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, I wish to transmit to you herewith the daily report on the activities carried out by the inspection teams of the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) in Iraq on 23 January 2003.

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Mohammed A. Aldouri
Permanent Representative



Annex to the identical letters dated 23 January 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

Activities of the UNMOVIC and IAEA inspection teams in Iraq

Activities of inspection teams carried out on Thursday 23 January 2003 and inspection of mosque in Baghdad on 20 January 2003

I. Biological inspection team

On Monday, 20 January 2003, a group of five inspectors from the biological inspection team, headed by an American woman, Ms. Hirsh[?], entered the Yawm al-Nida' Mosque in the Sulaykh area of Baghdad after the noon prayer without the knowledge or accompaniment of the Iraqi counterpart, the National Monitoring Directorate. The group toured the mosque, met the mosque's imam, informed him that it was part of a United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) inspection team and addressed to him a number of questions, such as: whether there were underground storage areas in the mosque; during what period the mosque was built; why Iraq was building a large number of mosques; how many persons prayed in the mosque; and what percentage of the worshipers were children. Such questions are completely unrelated to the tasks of the inspection teams and are at odds with Security Council resolution 1284 (1999), which calls upon UNMOVIC to abide by the recommendations of the panel on disarmament chaired by Ambassador Amorim, i.e., that one should take into account Iraq's sovereignty, dignity and religious and cultural sensitivities, as well as its trade secrets.

II. IAEA inspection team

Group I

A group of six inspectors left the Canal Hotel in Baghdad at 9.40 a.m. and arrived at the Shaykhali warehouses belonging to the Atomic Energy Organization at Tuwaythah. The group checked the tagged machinery and equipment present in the warehouses. It photographed some equipment and carried out a radiation survey of the warehouses. The mission lasted approximately 2 hours and 45 minutes, after which the group returned to the Canal Hotel.

Group II

A second group, composed of four inspectors, left the Basra Sheraton Hotel at 8.30 a.m. and arrived at the State Iron and Steel Company, which belongs to the Ministry of Industry and Minerals and is located in Basra, in the Khawr al-Zubayr area. The group asked the general manager of the Company questions about the ownership of the Company, the present position of the former general manager, the Company's activities, daily smelting batches of furnaces and electrical energy consumption volumes. The group next inspected the Company's steel plant,

electrical power station and warehouses. The group performed a radiation survey of the areas it inspected. It then returned to Baghdad.

III. UNMOVIC inspection team (biological)

Group I

A first group, composed of six inspectors, left the Canal Hotel in Baghdad at 8.30 a.m. and arrived at the College of Medicine of Mustansiriyah University, located in the Qadisiyah area of Baghdad. The group asked officials about the activities of the College, the number of students, the organizational structure, the number of graduate students, research in progress and future research plans. It then inspected all the buildings and laboratories of the Microbiology Section and checked the tagged equipment. The group then returned to the Canal Hotel.

Group II

A second group, composed of eight inspectors, left the Canal Hotel in Baghdad at 8.45 a.m. and arrived at the College of Science of Mustansiriyah University. The group enquired of a number of officials concerning the College departments, the number of students, the teaching staff, the number of persons having doctorates who specialized in the biological sciences and the reason why new buildings had been built during the previous four years. The group inspected the Biology Department, one of the laboratories in the Chemistry Department and the College warehouse, then returned to the Canal Hotel.

IV. UNMOVIC inspection team (chemical)

A team of 24 inspectors left the Canal Hotel in Baghdad at 9 a.m. and arrived at the Qa'qa' State Company, which belongs to the Military Industrialization Corporation (MIC). The team met a number of officials at the Company's plants and inspected a number of production units, buildings and warehouses. The team made use of a radiation survey meter and a metal detector and also photographed the lightning rod in the main warehouses and part of the tagged equipment. The mission lasted approximately 5 hours and 15 minutes, after which the team returned to the Canal Hotel.

V. UNMOVIC joint inspection team in Mosul

Group I

A first group, composed of 14 inspectors, left the Nineveh Palace Hotel at 8 a.m. and arrived at one of the airbases in Ta'mim governorate. The group stopped all movement within the base, inspected all its facilities, buildings and sheds and asked the persons concerned whom the base belonged to and what its connections were. It questioned the base's storekeeper about the flow of munitions during the previous four months and asked the commander of the base about changes that had taken place in the base during the previous four years. The mission lasted approximately 5 hours and 15 minutes, after which the group returned to the Nineveh Palace Hotel in Mosul.

Group II

A second group left the Nineveh Palace Hotel in Mosul at 11.30 a.m. and arrived at the Kindi State Company, an MIC company, in order to join the missile inspection team, which had flown to the Company from Baghdad by helicopter and details of whose operations are given in the following paragraph.

VI. UNMOVIC inspection team (missiles)

Group I

Two helicopters took off from Rashid airfield at 9 a.m., carrying 18 inspectors, and landed at the Kindi State Company, an MIC company located on the left side of the city of Mosul. It was joined there by the second group of the Mosul joint team. The group questioned all the managers of the Company's centres about changes from 1998 to the present, the Company's organizational structure and its new buildings. It then inspected all the Company's facilities and placed labels on the tagged equipment. The mission lasted approximately 3 hours and 15 minutes.

Group II

A group of six inspectors left the Canal Hotel in Baghdad at 8.30 a.m. and arrived at the resin plant of the Dhat al-Sawari State Company, which belongs to the Ministry of Industry and Minerals and is located in Baghdad, in the Taji district. The group inspected the plant buildings, checked the declarations and asked a National Monitoring representative about the number of technicians and engineers employed at the plant and the end-users of its products. The mission lasted approximately 3 hours and 15 minutes, after which the group returned to the Canal Hotel in Baghdad.



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English
Original: Arabic

Identical letters dated 24 January 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 24 January 2003 from Mr. Naji Sabri, Minister for Foreign Affairs of the Republic of Iraq, concerning interviews with Iraqi scientists (see annex).

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammed A. Aldouri
Ambassador
Permanent Representative



**Annex to the identical letters dated 24 January 2003 from
the Permanent Representative of Iraq to the United Nations
addressed to the Secretary-General and to the President of the
Security Council**

With reference to paragraph 7 of the statement issued on 20 January 2003 at the conclusion of the meetings of the delegations of Iraq, the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) in Baghdad, which provides that "persons asked for interviews in private will be encouraged to accept this", I should like to inform you that the National Monitoring Directorate (NMD) encourages Iraqi scientists with whom UNMOVIC and IAEA request private interviews and that the Iraqi scientists who have been contacted by NMD to this end and encouraged to give interviews have agreed to do so but have requested that a witness be present at the interview.

I should also like to inform you that the Iraqi side will continue its active cooperation with UNMOVIC and IAEA, in order to facilitate the implementation of the tasks assigned to the two bodies, including the points agreed on in the statement of 20 January 2003. On this occasion, we caution against the attempts by the United States to exploit the subject of interviews, which is of a legal nature, for political and propaganda purposes in order to accuse Iraq of non-cooperation.

(Signed) **Naji Sabri**
Minister for Foreign Affairs



Security Council

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Identical letters dated 24 January 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

On instructions from my Government, I have the honour to transmit to you herewith a letter dated 24 January 2003 from Mr. Naji Sabri, Minister for Foreign Affairs of the Republic of Iraq, concerning cooperation with the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) and the International Atomic Energy Agency (IAEA) (see annex).

I should be grateful if you would have this letter circulated as a document of the Security Council.

(Signed) Mohammed A. Aldouri
Ambassador
Permanent Representative



Annex to the identical letters dated 24 January 2003 from the Permanent Representative of Iraq to the United Nations addressed to the Secretary-General and to the President of the Security Council

On the occasion of the submission by Mr. Blix and Mr. ElBaradei of their report to the Security Council under paragraph 5 of Security Council resolution 1441 (2002), we should like to put before you the following facts.

I. The question of so-called "outstanding issues"

1. Iraq has performed in full all its obligations under section C of resolution 687 (1991) and has agreed to the monitoring regime established pursuant to resolution 715 (1991), and this regime has been operating actively since 1994. From 1992 up to the present, the United Nations Special Commission and IAEA have not discovered any proscribed weapon or activity anywhere in Iraq. The former Special Commission and IAEA documented their completion of their basic tasks in the field of disarmament in their reports to the Security Council. In April 1998, the Special Commission's report to the Security Council contained in document S/1997/301 stated:

"The accumulated effect of the work that has been accomplished over six years since the ceasefire went into effect, between Iraq and the Coalition, is such that not much is unknown about Iraq's retained proscribed weapons capabilities."

IAEA in its report to the Security Council contained in document S/1998/694, stated:

"As previously recorded, there are no indications of Iraq having retained any physical capability for the indigenous production of weapon-usable nuclear material in amounts of any practical significance, nor any indication Iraq has acquired or produced weapon-usable nuclear material other than the nuclear material verified by IAEA and removed from Iraq in accordance with paragraph 13 of resolution 687 (1991)."

2. Although for seven and a half years (from April 1991 to October 1998) Iraq complied with the obligations required of it under section C of resolution 687 (1991), the Security Council did not apply paragraph 22 of that resolution. In the course of 40 reviews of the unjust sanctions imposed on Iraq during that extremely long period, the Council never considered easing or lifting the sanctions on the basis of Iraq's compliance with the commitments set forth in the other sections of resolution 687 (1991). The Council never took a proportionate and fair view of what had been achieved, and it accorded Iraq arbitrary and harsh treatment unparalleled in previous and current international intercourse.

3. After the former Executive Chairman of the Special Commission, Mr. Richard Butler, took office, he tried to inflate and exaggerate the so-called "outstanding disarmament issues", contrary to the conclusions arrived at by his predecessor, Mr. Rolf Ekeus, in his report referred to above. Mr. Butler alleged that there were large gaps in the implementation of the disarmament requirements in the chemical,

biological and missile fields and that he could therefore not inform the Security Council that the disarmament phase was completed.

4. In order to find a way out of the impasse created by Mr. Butler through his total partiality in favour of the United States' political position at the expense of scientific facts, in August 1998 the Secretary-General of the United Nations proposed that the Security Council should undertake a comprehensive review of how far Iraq had complied and the extent of the progress made in a number of fields, with the aim of exploring the means necessary for making headway towards the ultimate goal of this exercise, namely verification of proscribed-weapon disarmament in accordance with Security Council resolutions on Iraq, with a view to the implementation of the commitment made in those resolutions to lift the sanctions regime. The Secretary-General proposed that the review should include a direct dialogue between the Government of Iraq and the Security Council on controversial issues.

5. After the Secretary-General submitted his proposal to the Security Council, on 5 October 1998, for a decision on a comprehensive review, the United States and the United Kingdom completely obstructed the achievement of this goal, withdrew the inspectors and, with the United Kingdom participating, launched widespread aggression against Iraq during the period from 16 to 20 December 1998.

6. Following this aggression, the Security Council entrusted a panel, under the chairmanship of the then Ambassador Amorim, to assess the situation with regard to disarmament in Iraq. Ambassador Amorim set forth in his report what the former Special Commission had considered to be the remaining questions in the disarmament phase. At the same time, he determined that the bulk of Iraq's proscribed weapon programmes had been eliminated and referred to a possible point of impasse in the further investigation of these issues under the current procedures which might correspond to an apparent diminished return in recent years. He emphasized that "some uncertainty is inevitable in any country-wide technical verification process which aims to prove the absence of readily concealable objects or activities". At the end of his report, Ambassador Amorim stated that the panel agreed on the possibility of setting up an integrated system, i.e. a reinforced ongoing monitoring and verification system within the legal framework existing in resolutions 687 (1991), 707 (1991), 715 (1991) and 1051 (1996), as well as the memorandum of understanding dated 23 February 1998, and that such a system should be capable of dealing with remaining disarmament issues.

7. On the basis of that report, Security Council resolution 1284 (1999) was adopted, paragraph 1 of which established UNMOVIC. Paragraph 2 of the same resolution established a reinforced monitoring regime to implement the plan adopted under Security Council resolution 715 (1991) and to deal with outstanding disarmament issues in accordance with Ambassador Amorim's recommendation.

8. Following its establishment, UNMOVIC adopted this method of including outstanding disarmament issues in the reinforced monitoring system and stated in paragraph 13 of its report to the Security Council contained in document S/2000/292:

"The responsibilities of UNMOVIC, in connection with paragraphs 8 and 9 of resolution 687 (1991), are generally referred to, in resolution 1284 (1999), as 'disarmament tasks', while the responsibilities under paragraph 10 of

resolution 687 (1991) relate to implementing the plan for ongoing monitoring and verification. The report of the panel on disarmament and current and future ongoing monitoring and verification issues (S/1999/356, annex I, para. 61) recommended that those two tasks be merged and that a reinforced system of ongoing monitoring and verification capable of addressing, through integration, remaining unresolved disarmament issues be carried out. The organization and management of UNMOVIC must be tailored to implement this system — preparing it, directing it and report on it.”

9. All the facts set forth above confirm that the so-called “outstanding disarmament issues” have no tangible significance and require merging in the ongoing monitoring phase. The truth now is that these issues as a whole are either not outstanding issues at all or that they are no longer such because the materials whose destruction the Special Commission alleged it had not verified are no longer usable or represent a minute proportion of what was verified (1-3 per cent), which falls within the accepted margin of uncertainty in the field of disarmament, or that the search for them has reached the point of diminishing returns.

10. Nevertheless, and in order to facilitate the task of UNMOVIC in learning about and resolving these issues, Iraq, in its full, comprehensive and updated declaration dated 7 December 2002, submitted full details of the status and significance of outstanding issues and the possibility of resolving them, as follows:

1. In the field of missiles:

(a) With regard to indigenous production of motors, including turbines, the details and explanations are set forth on pages 255 to 278 of the [Arabic text of the] declaration;

(b) With regard to imported and indigenously manufactured conventional warheads, the details and explanations are set forth on pages 985 to 1033 [of the Arabic text] of the declaration;

(c) With regard to propellants and oxidizers, the details and explanations are set forth on pages 1167 to 1992 [of the Arabic text], with a large number of supporting documents.

2. In the chemical field, chapter 11 of the chemical declaration contains detailed replies and explanations as follows:

(a) Material balance of R-400 aerial bombs relating to the chemical and biological fields;

(b) Material balance of 155-mm artillery projectiles filled with mustard gas and the efforts made by the Iraqi side to verify the loss of 550 of these;

(c) Glass production equipment stored in freight containers;

(d) With regard to VX, which was referred to in a series of explanatory letters, Iraq did not succeed in producing VX at the level usable for weapons purposes and did not weaponize any projectile with VX. The most recent letter on this subject was the one dated 11 November 1998.

3. The explanations and supporting documents in the biological field are also mentioned in the biological declaration, as follows:

(a) The subject of verification of the production and filling of 25 warheads. The details are given in documents 65, 66, 67, 68 and 70 in the weaponization chapter of the declaration (chapter 8), in addition to what is stated in the annex entitled "Status Report";

(b) The subject of destruction of warheads. The details are given in chapter 8 and in supporting documents 16, 188, 189, 190 and 192, in addition to what is stated on the matter in the annex entitled "Status Report";

(c) The subject of destruction of R-400 aerial bombs. The declaration states that these bombs totalled 157 and were all destroyed. In the report there is a document from the memoirs of the officer who destroyed them, documenting his performance of the task. Other details on the matter are given in chapter 8 also, in addition to what is stated in the annex entitled "Status Report";

(d) The subject of biological production. The declaration mentions the question of the subject of production, and the figures mentioned in it are backed by supporting documents, the most recent being the report of the Al-Hakam plant dated 15 January 1991 and other documents indicating production quantities for the years 1988, 1989 and 1990. The former Special Commission's statements on this subject are pure allegations and totally untrue, particularly in so far as relates to the production of anthrax. All the supporting documents show that the anthrax was in a liquid form and that Iraq did not succeed in producing it in dried form. The annex entitled "Status Report" shows how the quantities of biological agents produced ended up and confirms their ineffectiveness in the event of storage for more than two years;

(e) The subject of growth media. All imports of growth media for previous programmes from 1985 up to the end of 1990 have been declared. Chapter 10 of the declaration covers that, with supporting documents in chapter 11 (documents 23 to 63).

4. In order to give an example of what we have explained in the declaration, let us take as a detailed instance, the former Special Commission's allegation that Iraq had not submitted verifiable evidence to account for R-400 aerial bombs, whereas the chemical declaration set forth in verifiable form the details of the production of empty casings of these bombs for the total number of this type. As for how the former Special Commission arrived at several hundred casings of such bombs not being accounted for, that is because the former Special Commission, in a biased manner, counted in the daily output rejected for the period when this quantity was produced in 1990, even though the supporting documents confirm that this quantity was rejected because of unrectifiable defects. This rejected quantity went to the debris-collection site at the foundry of the producing company, and the debris was smelted down. The smelting down process is not normally documented since the items smelted are merely debris. That these casings represent rejections is documented in the quality-control report, which is the basis for verification. In addition, if these casings had been usable for turning into munitions filled with proscribed weaponry, it would have been necessary to pair them with the tail containing the parachute brake and the detonator, which are imported items, with whole documents concerning their importation, their use and the remaining balance.

The chemical inspection team was convinced by what the Iraqi counterpart showed it that these documents settled the question of these rejected casings, but it did not make the necessary verification of the tail. The team promised to do so subsequently but left the matter without follow-up until the time of the inspectors' departure from Iraq on 15 December 1998 in preparation for the United States and British aggression against Iraq.

II. Iraqi cooperation in the performance of its obligations under resolution 1441 (2002)

1. On 27 November 2002 the UNMOVIC and IAEA teams began their activities, which have been intensive and ever wider in scope. By 23 January 2003, for instance, the number of inspectors and support staff present in Iraq had increased to 273. The teams have conducted a total of 440 inspections, of which 365 were carried out at sites subject to ongoing monitoring and 75 at other sites. Throughout the country, from north to south, in all 287 sites have been inspected, including sites belonging to the Military Industrialization Corporation, the Atomic Energy Commission, the Ministries of Defence, Higher Education, Health, Agriculture, Trade and Oil, universities and other academic institutions, the mixed and private sectors, civilian sites and various other private properties, the Presidential Palace where official guests are received (Qasr al-Sujud), private residences and a mosque in Baghdad. The inspectors have used ultra-modern hand-held or vehicle-mounted X-ray scanning devices. They have also taken environmental samples (samples of heavy water, soil, vegetation, river water, air, waste products of the engineering industry and so forth) and made use of aerial imagery and detailed maps created by satellites. During their visits, they have interviewed those in charge of the inspected sites. They have concentrated their efforts on the sites that reports published in September and October 2002 by the British Prime Minister, Mr. Tony Blair, the United States Department of State, the British Foreign Office and the Central Intelligence Agency alleged were engaged in activities related to the production of nuclear, chemical and biological weapons and long-range missiles.

2. Iraq has provided full support to the inspection teams by supplying them, in record time, with the protection requested and by making available to them the means necessary to accomplish their task (accommodation, communication facilities, landing space at Saddam International Airport and Rashid airbase and a field office at Mosul). The Iraqi side has also helped the inspection teams to gain immediate and unannounced access to all sites to be inspected. It has also supplied all the documents, evidence and information available and has facilitated the conduct of interviews. It has cooperated effectively to ensure the success of the inspectors' mission, even though some of the inspectors have committed unacceptable acts that are prejudicial to their mandate and that exceed the authority conferred upon them by the relevant Security Council resolutions. The inspections conducted at all the sites that the United States and Great Britain alleged to be producing weapons of mass destruction, together with the inspections conducted at the other sites, have demonstrated that Iraq was telling the truth when it stated that it had no weapons of mass destruction and was not engaged in any proscribed activity, and they attest to the empty and lying nature of the American and British allegations.

III. Visit to Baghdad by Mr. Blix and Mr. ElBaradei

1. On 19 and 20 January 2003, Mr. Hans Blix and Mr. Mohammed ElBaradei went to Baghdad at the head of two important delegations from UNMOVIC and IAEA in order to hold discussions with the Iraqi side, during which they were to take stock of the current inspection activities and consider ways to strengthen cooperation in carrying out the tasks entrusted to UNMOVIC and IAEA pursuant to Security Council resolutions, which call for respect for the national security of Iraq, i.e., respect for its sovereignty and independence and the vital interests of its people.
2. As a result of their discussions, the two sides adopted the attached statement setting out the points of agreement reached and reflecting a mutual desire to continue to work resolutely towards the speedy and smooth accomplishment of the tasks entrusted to UNMOVIC and IAEA.

IV. Conclusions

The full and complete declaration given by Iraq on 7 December 2002 and the effective and genuine cooperation of Iraqi agencies with the inspection teams since they returned to our country on 27 November 2002 show that Iraq is acting in good faith and is firmly resolved to fulfil its obligations under the Security Council resolutions, despite all the difficulties, arbitrariness and bias involved therein, with the aim of proving that it is not concealing any activity or weapon proscribed by the relevant Security Council resolutions and of refuting the lying and empty allegations and accusations that the United States and Great Britain regularly launch against it for suspect imperialist aims. Attestation of these facts should lead the Security Council to reject the American and British imperialist threats of aggression directed against Iraq and to fulfil the commitments it has made pursuant to its relevant resolutions, namely to lift the iniquitous embargo imposed against our country for 13 years now, to preserve the national security of Iraq by seeing to it that its sovereignty, independence and territorial integrity are respected and to ensure regional security by doing away with weapons of mass destruction in the Middle East and, in particular, by eliminating the arsenal of such weapons that "Israel" possesses and is in the process of developing under the protection and sponsorship of the United States.

(Signed) Naji Sabri
Minister for Foreign Affairs

Agreed statement

The meeting between the Iraqi side and UNMOVIC and the IAEA was devoted to stocktaking of the inspections which have taken place and resolving issues that have come up. The following was noted:

1. Access has been obtained to all sites. This will continue. The Iraqi side will encourage persons to accept access also to private sites.
2. There has been helpful assistance in the logistic build-up of the inspection infrastructure, e.g. at the Mosul office. This will continue, e.g. regarding a field office in Basrah.
3. After the find of some empty 122mm chemical munitions at Al Ukhaidhir stores, the Iraqi side has appointed a team to undertake an investigation and comprehensive search to look for similar cases at all locations. One find of four more units was already reported at Al Taji munitions stores. The final results will be reported.
4. A response was given to an UNMOVIC request for a number of documents. Some were handed over and clarifications were given regarding others.
5. The list of persons engaged in the various disciplines will be supplemented in accordance with advice from UNMOVIC and the IAEA.
6. The declaration given on 7 December by Iraq was discussed. Iraq expressed a readiness to respond to questions raised in connection with the declaration and discuss such questions.
7. Persons asked for interviews in private will be encouraged to accept this.
8. UNMOVIC and the IAEA agreed that their helicopters will take an appropriate number of minders on board, as necessary.
9. Iraq will enact national legislation as soon as possible regarding proscribed activities.
10. Iraq agreed to continue technical discussions with the IAEA to clarify issues, regarding aluminum tubes, alleged uranium importation and the use of high explosives, as well as other outstanding issues.

Baghdad, 20 January 2003



Security Council

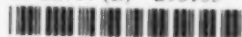
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Letter dated 27 January 2003 from the Secretary-General addressed to the President of the Security Council

I have the honour to transmit to you herewith the text of a letter dated 27 January 2003 from the Director General of the International Atomic Energy Agency (see annex).

I should be grateful if you would arrange to bring this letter and its annex to the attention of the members of the Security Council.

(Signed) Kofi A. Annan



Annex

**Letter dated 27 January 2003 from the Director General of
the International Atomic Energy Agency addressed to the
Secretary-General**

[Original: English]

In paragraph 5 of Security Council resolution 1441 (2002), adopted on 8 November 2002, the Council requested the International Atomic Energy Agency (IAEA) to update the Council 60 days after resumption of inspections in Iraq.

It would therefore be appreciated if you could arrange to transmit to the President of the Security Council the enclosed update report pursuant to resolution 1441 (2002) (see enclosure), for circulation as a document of the Security Council.

(Signed) Mohamed ElBaradei

Enclosure**Update report of the International Atomic Energy Agency to the Security Council pursuant to resolution 1441 (2002)**

1. The present report is submitted by the International Atomic Energy Agency (IAEA) to the Security Council in accordance with Council resolution 1441 (2002), adopted on 8 November 2002, in paragraph 5 of which the Council requested IAEA and the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC) to resume inspections in Iraq no later than 45 days following adoption of that resolution and to update the Council 60 days thereafter. Inspections in Iraq pursuant to resolution 1441 (2002) were resumed by IAEA and UNMOVIC on 27 November 2002.

I. Background

2. In resolution 687 (1991), the IAEA was tasked with mapping out and destroying, removing or rendering harmless, the components of Iraq's nuclear weapons programme. It was also tasked with ongoing monitoring and verification of Iraq's compliance with its obligations under that and other relevant resolutions. The IAEA's plan for such ongoing monitoring and verification was approved by the Security Council in resolution 715 (1991). Among the other relevant resolutions is resolution 707 (1991), pursuant to which Iraq is prohibited from engaging in any nuclear activities, except the use of radioisotopes for medical, agricultural and industrial purposes, until such time as the Security Council determines that Iraq is in full compliance with resolutions 687 (1991) and 707 (1991) and IAEA determines that Iraq is in full compliance with the Agreement between Iraq and IAEA for the Application of Safeguards pursuant to the Treaty on the Non-Proliferation of Nuclear Weapons (the Safeguards Agreement).

3. On 16 December 1998, IAEA inspectors were withdrawn from Iraq. This action was taken after the decision by the United Nations Special Commission (UNSCOM), on whose logistic support IAEA activities in Iraq were dependent, to withdraw all of its personnel from Iraq, and out of concern for the safety and security of our personnel in anticipation of imminent military action.

4. By the time the inspectors were withdrawn, IAEA had been able to draw a comprehensive and coherent picture of Iraq's past nuclear weapons programme and to dismantle the programme. IAEA had destroyed, removed or rendered harmless all of the physical capabilities of Iraq to produce amounts of nuclear-weapons-usable nuclear material of any practical significance. IAEA had concluded with respect to Iraq's past nuclear programme that:

(a) There were no indications to suggest that Iraq had been successful in its attempt to produce nuclear weapons;

(b) All nuclear material of significance to Iraq's nuclear weapons programme was verified and fully accounted for and all nuclear-weapons-usable nuclear material (plutonium and high enriched uranium) was removed from Iraq;

(c) Iraq had successfully concentrated uranium from its own ore and produced industrial quantities of feed material (UCl_4) for electromagnetic isotopic

separation (EMIS). There were no indications that the production of feed material for centrifuge enrichment (UF_6) went beyond laboratory level;

(d) Iraq had been at, or close to, the threshold of success in such areas as the production of high enriched uranium through the electromagnetic isotopic separation (EMIS) process and the production and pilot cascading of single-cylinder sub-critical gas centrifuge machines. However, there were no indications to suggest that Iraq had produced more than a few grams of nuclear-weapons-usable nuclear material through its indigenous processes;

(e) Iraq had explored several other enrichment routes, including gaseous diffusion, chemical enrichment and laser enrichment without achieving any significant progress;

(f) Iraq had made major progress in the area of weaponization, but still had significant hurdles to overcome before being able to complete the fabrication of a first nuclear implosion device;

(g) There were no indications that there remained in Iraq any physical capability for the production of amounts of nuclear-weapons-usable nuclear material of any practical significance;

(h) There were no indications of significant discrepancies between the technically coherent picture which had evolved of Iraq's past programme and the information contained in the "full, final and complete declaration" submitted by Iraq to IAEA, pursuant to Security Council resolution 707 (1991), in 1996, and supplemented in 1998.

5. As of December 1998, there were no key outstanding disarmament issues in the nuclear area, although there were a number of questions and concerns about Iraq's past nuclear programme, the clarification of which by Iraq would have reduced the uncertainty in the completeness of IAEA's knowledge and understanding. These remaining questions and concerns related to: the uncertainty about the progress made in weapons design and centrifuge development due to the lack of relevant documentation; the extent of external assistance from which Iraq benefited; and the lack of evidence that Iraq had abandoned definitively its nuclear programme.

6. In the four years following the withdrawal of IAEA inspectors, IAEA activities in Iraq were limited to annual verification, pursuant to the Safeguards Agreement, of the nuclear material (several tons of yellow cake and other natural uranium and some low enriched and depleted uranium) that remained in Iraq under IAEA seal.

7. During that intervening period, the Security Council adopted resolution 1284 (1999), which, inter alia, established UNMOVIC, reaffirmed the role of IAEA in addressing compliance by Iraq with resolution 687 (1991) and other related resolutions, established procedures and time frames for the implementation by IAEA and UNMOVIC of their respective mandates and provided for the possibility of the suspension of sanctions in Iraq.

8. On 16 September 2002, the Foreign Minister of Iraq informed the Secretary-General that Iraq had decided to "allow the return of the United Nations weapons inspectors to Iraq without conditions". On that basis, talks were held in Vienna, on 30 September and 1 October 2002, between representatives of Iraq on the one hand

and IAEA and UNMOVIC on the other, on practical arrangements necessary for the resumption of inspections.

9. On 8 November 2002, the Security Council adopted resolution 1441 (2002). In paragraph 9 of that resolution, the Council demanded that Iraq confirm, within seven days of notification by the Secretary-General of the adoption of the resolution, "its intention to comply fully with" that resolution. The Council demanded further that Iraq "cooperate immediately, unconditionally, and actively with UNMOVIC and the IAEA". In a letter to the Secretary-General dated 13 November 2002, Iraq stated that it would "deal with resolution 1441 (2002)", and that it was "ready to receive the inspectors so that they can perform their duties and ascertain that Iraq has produced no weapons of mass destruction in their absence from Iraq since 1998".

10. The Security Council also decided, in paragraph 3 of resolution 1441 (2002), that, in addition to submitting the biannual declarations required under the ongoing monitoring and verification plans of IAEA and UNMOVIC, Iraq was to provide to UNMOVIC, IAEA and the Security Council, not later than 30 days from the date of the resolution, "a currently accurate, full, and complete declaration of all aspects of its programmes to develop chemical, biological, and nuclear weapons, ballistic missiles, and other delivery systems ..., including any holdings and precise locations of such weapons, components, sub-components, stocks of agents, and related material and equipment, the locations and work of its research, development and production facilities, as well as all other chemical, biological, and nuclear programmes, including any which it claims are for purposes not related to weapon production or material".

11. In paragraph 5 of resolution 1441 (2002), the Security Council instructed UNMOVIC and requested IAEA to resume inspections in Iraq no later than 45 days after adoption of that resolution. An advance team of IAEA and UNMOVIC personnel, including the Director General of IAEA and the Executive Chairman of UNMOVIC, visited Baghdad on 18 and 19 November 2002 for a meeting with their Iraqi counterparts, led by Dr. Amer H. Al Saa'di, Adviser to the Presidency, to further discuss logistical arrangements and to reinstate the inspectorates' office in Baghdad.

12. IAEA and UNMOVIC resumed inspections on 27 November 2002.

13. On 8 December 2002, IAEA received at its Headquarters in Vienna, under cover of a letter dated 7 December 2002 from Dr. Al Saa'di, the nuclear-related declaration submitted by Iraq in response to paragraph 3 of resolution 1441 (2002), as its "currently accurate, full and complete declaration". The declaration consisted of seven volumes, the first six of which were entitled "The past Iraqi nuclear programme" covering Iraq's nuclear activities prior to 1991, and the seventh of which was entitled "Nuclear programme from 1991 up to 2002".

II. Activities of the International Atomic Energy Agency since the resumption of inspections

A. The Iraq Nuclear Verification Office and the start-up of the Baghdad Field Office

14. The IAEA core team for the implementation of its Security Council mandate in Iraq (formerly known as the UNSCR 687 Action Team, now renamed the Iraq

Nuclear Verification Office or INVO) has increased its staff and is proceeding with an intensive recruitment effort to ensure that the team is composed of the most qualified and experienced experts available.

15. IAEA, with the assistance and cooperation of UNMOVIC, as foreseen in resolution 1441 (2002), has re-established its field office in the Baghdad Ongoing Monitoring and Verification Centre (BOMVIC). In addition to logistical support provided by UNMOVIC to the IAEA inspection teams, such as air transport, vehicles, radio communications and medical support, IAEA has installed a secure computer network, secure storerooms and radiometric measurement laboratories.

B. Declarations

1. Backlog of semi-annual declarations

16. Under the IAEA ongoing monitoring and verification plan, Iraq is required to submit semi-annual declarations, on 15 January and 15 July of each year, containing, inter alia, information on: nuclear material; relevant facilities, installations and sites; material, equipment and items identified in annex 3 of the plan; and isotopes. Semi-annual declarations were provided by Iraq between 1994 and 1998, but none were submitted following the withdrawal of inspectors from Iraq in December 1998.

17. At the meeting held in Vienna on 30 September and 1 October 2002 between Iraq, UNMOVIC and IAEA, Iraq provided IAEA with the backlog of semi-annual declarations due between January 1999 and July 2002. Iraq subsequently provided corrections to those declarations, along with explanations of some of the changes related to items reported in the declarations. Iraq has also recently submitted the semi-annual declaration, due in January 2003, covering the second half of 2002, to IAEA.

2. The "currently accurate, full and complete declaration"

18. As indicated above, Iraq submitted its nuclear-related currently accurate, full and complete declaration to IAEA in December 2002, as required pursuant to resolution 1441 (2002). In carrying out its preliminary assessment of the Iraq declaration, IAEA concentrated on:

(a) A comparison of Iraq's current declaration regarding its nuclear programme prior to 1991 with Iraq's 1998 full, final and complete declaration;

(b) The review of Iraq's declaration regarding its nuclear programme over the period from 1991 to 2002, with particular emphasis on Iraqi activities since late 1998.

19. In its currently accurate, full and complete declaration, Iraq states that:

"No activities of any substance related to the former [Iraqi nuclear programme] were carried out during and beyond April 1991. All nuclear programme activities were practically terminated and abandoned during April 1991 and only reports of previous accomplishments and new missions (non-proscribed) were issued later." (Extended Summary, page 86/113)

20. Iraq's currently accurate, full and complete declaration regarding its nuclear programme prior to 1991 contains no substantive differences from the full, final and

complete declaration provided to IAEA in 1998. The declaration of December 2002 contains numerous clarifications. It does not include, however, additional information related to the questions and concerns referred to in paragraph 5 above.

21. With regard to the period between 1991 and 2002, the declaration states that Iraq's nuclear activities were limited to the use of radioisotopes for non-proscribed purposes (i.e. medical, agricultural and industrial uses), in conformity with Security Council resolution 707 (1991). The remainder of the declaration, covering the post-1991 period, provides a description of the activities which were or are being conducted at current and former Iraqi Atomic Energy Commission (IAEC) sites, at locations established since 1991 to which a number of former IAEC personnel were transferred, as well as at other industrial locations that supported the weapons development programme in the past. All of these sites and locations were previously known to IAEA and were subject to ongoing monitoring and verification prior to 1998.

22. The IAEC sites were heavily damaged during the Gulf War. Pursuant to the Security Council mandate in resolution 687 (1991), IAEA inspection teams eliminated all remaining weapons development infrastructure at these sites. In its declaration of December 2002, Iraq stated that the current and former IAEC sites, as well as the locations to which former IAEC personnel were transferred, are now devoted to the conduct of non-nuclear commercial activities. The other industrial locations that had supported the past weapons programme were declared as now being involved in a variety of industrial and military applications.

23. From the IAEA assessment of the Iraqi "currently accurate, full and complete declaration" to date, the following conclusions have been drawn:

(a) The part of the declaration that concerns Iraq's past nuclear programme (that is, the programme prior to 1991) contains no substantive differences from its earlier full, final and complete declaration and appears to be consistent with the IAEA's understanding of the Iraqi nuclear weapons programme (as reported to the Security Council in S/1997/779, S/1999/127 and S/2002/1150);

(b) The part of the declaration that covers Iraq's programme between 1991 and 1998 is consistent with the conclusions drawn by IAEA on the basis of its verification activities conducted throughout that period and regularly reported to the Security Council;

(c) The key outstanding issue for IAEA is the accuracy and completeness of Iraq's declaration that there have been no material changes in its nuclear programme since 1998 and that its nuclear activities have been limited to the non-proscribed use of radioisotopes.

24. The IAEA has integrated the new declarations submitted by Iraq with the information accumulated between 1991 and 1998 (such as original Iraqi documents, results of inspections, commercial satellite imagery and information provided by States) and information acquired after 1998. Analysis of all of this information is continuing in parallel with, and in support of, inspection activities.

3. Other declarations

25. In response to a request by IAEA, in accordance with paragraph 7 of resolution 1441 (2002), Iraq provided a list of 214 Iraqi personnel involved in Iraq's past

nuclear programme, most of whose names are well known to IAEA as a result of its inspection activities prior to 1998. The list includes the professional rank, as well as the location where each of these individuals currently works. The IAEA has already met with many of these people since inspections were resumed in November 2002.

26. During a meeting held on 19 and 20 January 2003 in Baghdad, at which the Director General of IAEA and the Executive Chairman of UNMOVIC met with an Iraqi delegation led by Dr. Al Saa'di, Iraq agreed to supplement the list in accordance with advice from IAEA and to provide information on the whereabouts of key scientists and technicians.

C. Documents

27. The Iraqi counterpart has been requested, in the course of inspections, to provide explanations in writing of complex matters and inventories of items of relevance to investigations of specific issues. These explanations and inventories have been provided in the form of summaries and new documents, generated on an ad hoc basis. While Iraq might have been more proactive in anticipating the need for some of this documentation, the requested documents have been prepared and provided to IAEA within reasonable time frames.

28. In response to inspectors' questions, Iraq has also provided documents that appear to be original documents prepared contemporaneously with the events described in them (such as reports, minutes of meetings, letters and communications and notes created as part of the normal operations of a programme). The provision by Iraq of such original documents has been and remains critical for the verification of Iraq's declaration.

29. On 16 January 2003, documents were found in the private home of an employee of an Iraqi Government company, a former staff member of the Iraqi Atomic Energy Commission (IAEC). Most of the 2,000 pages concern laser physics or uranium enrichment using laser techniques, some pages of which were marked as being classified. Although a preliminary analysis of these documents suggests that they are not of particular significance in terms of providing new information concerning Iraq's past nuclear programme, it suggests that documents of relevance can be found at private homes. Iraq has been urged to implement measures to locate any other documents that may have been retained by individuals and which contain information relevant to Iraq's nuclear and nuclear-related activities and to provide promptly to IAEA any documents so located.

D. Inspections

1. Sites

30. Since the resumption of inspections on 27 November 2002, IAEA has conducted 139 inspections at 106 sites, including two Presidential sites.

31. The focus of the first phase of inspections was reconnaissance: re-establishment of the IAEA's knowledge of Iraq's remaining nuclear capabilities, including confirmation of the locations of major equipment, of nuclear material and significant non-nuclear materials, and of key technical personnel.

32. The first step of the reconnaissance phase was to inspect facilities that were known to have been of significance in the past programme, to confirm that no

nuclear activities have been revived at these locations. Most of these facilities were effectively destroyed either during the Gulf War or pursuant to IAEA's authority under resolution 687 (1991). IAEA has also re-inspected several dozen facilities that had been deemed prior to 1998 as being capable of supporting the resumption of a nuclear programme. There were no signs of nuclear activities at any of these facilities.

33. During this phase, IAEA has concentrated on accounting for the most significant equipment monitored at these facilities under the ongoing monitoring and verification plan prior to 1998. It is now in the process of locating other equipment, material and sources.

34. While IAEA is still continuing with its reconnaissance, the inspectors have already initiated the investigative phase, with particular emphasis on Iraq's activities over the last four years, focusing on those areas of concern identified by States, as well as those identified by IAEA on the basis of its own analysis.

35. Drawing from satellite imagery and other information available to it, IAEA identified a number of sites, some of which had been associated with Iraq's past nuclear activities, where modifications of possible relevance to IAEA's mandate had been made, or new buildings constructed, between 1998 and 2002. Eight of these sites were identified by States as being locations where nuclear activities were suspected of being conducted. All of these sites were inspected to ascertain whether there had been developments in technical capabilities, organization, structure, facility boundaries or personnel. In general, IAEA has observed that, while a few sites have improved their facilities and taken on new personnel over the past four years, at the majority of these sites (which had been involved in research, development and manufacturing) the equipment and laboratories have deteriorated to such a degree that the resumption of nuclear activities would require substantial renovation. The IAEA has found no signs of nuclear activity at any of these sites.

36. Several other facilities which had never been inspected by IAEA or by the United Nations Special Commission (UNSCOM) in the past were inspected in response to information that indicated the presence of large industrial capabilities at those locations. None of these facilities has proven to be nuclear-related or to require their declaration by Iraq.

2. Inventory of nuclear material

37. As indicated above, prior to the withdrawal of IAEA inspectors from Iraq in December 1998, IAEA had removed from Iraq all nuclear-weapons-usable nuclear material. The remaining stocks of nuclear material in Iraq are stored under IAEA seal in a storage facility referred to as Location C, just outside the Tuwaitha complex.

38. An inspection of Location C was undertaken in December 2002 to verify the nuclear material. The inspection confirmed that the IAEA seals and the inventory of nuclear material remained intact since the last safeguards inspection in January 2002.

3. Ongoing monitoring — containment, surveillance and sampling

39. The IAEA will soon re-introduce containment and surveillance systems for the monitoring of critical dual-use equipment and activities associated with such

equipment. The systems will provide not only for the application of seals and the installation of cameras, but the remote transmission of data in near-real-time mode from those cameras. An example of this will be the installation at certain sites of surveillance systems to monitor the location and use of flow forming machines that had been monitored by the IAEA prior to 1998 and are subject to ongoing monitoring and verification.

40. The IAEA verification system in Iraq also includes numerous methods and technologies designed to detect certain radioisotopes. Given the restrictions imposed on Iraqi nuclear activities, the detection of radiation in facilities or in the environment can be an important indicator that could guide inspections and investigations.

41. The monitoring of Iraq's waterways (rivers, canals and lakes), through the collection of water, sediment and vegetation began in 1992, and was implemented on a semi-annual basis until December 1998. The programme also surveyed the sewage outfalls of waste treatment plants and any other facility of interest. The first such campaign since inspections were resumed was completed in December 2002. The samples are still being analysed.

42. In 1998, IAEA also initiated a programme of wide-area environmental sampling, which consisted of air sampling and widespread vegetation and swipe sampling. Four IAEA air samplers were in operation in Iraq in 1998. The samplers were removed from Iraq by IAEA inspectors in November 2002 for servicing. They will be re-installed within the next two weeks.

43. The IAEA's environmental sampling programme also included the taking of surface swipe samples in factories and laboratories across Iraq. The IAEA inspectors have resumed this activity at key locations previously associated with Iraq's past nuclear weapons programme and at new sites. Analysis of the results thus far obtained has revealed no indication of the conduct of proscribed activities at the locations where these samples were taken.

44. In addition to the taking of environmental samples, IAEA has re-instituted routine car-borne and hand-held gamma surveys in Iraq. The purpose of these surveys is to detect the existence of possible undeclared nuclear material or radioisotopes, not just within inspected sites, but also along routes travelled by the gamma survey vehicle. No indications of proscribed nuclear activities have been detected thus far during these surveys.

E. Interviews

45. The IAEA has regularly conducted interviews of Iraqi scientists, managers and technicians in its inspection and monitoring process. Interviews elicit information about individuals and their activities that can confirm where they work or worked, the activities in which they are or were engaged and hierarchical relationships. Discussions and interviews are a major tool for obtaining information about programmes, activities and achievements. Such information has proven essential in assessing the completeness and accuracy of the IAEA's understanding of Iraq's past and current programmes.

46. IAEA has conducted many interviews since the resumption of inspections, some in the form of group interviews. During these interviews, IAEA has focused

on activities in which the individuals are known to have participated or are currently participating.

47. Pursuant to paragraph 5 of resolution 1441 (2002), IAEA is entitled to private access to all officials and other persons whom it wishes to interview. The first two individuals whom the IAEA requested to be interviewed privately declined to be interviewed except in the presence of an Iraqi Government representative. It is noted, however, that in the course of a meeting on 20 January 2003, in Baghdad, Iraq committed itself to encourage its citizens to accept to be interviewed in private. However, it is regrettable that a request for a private interview made following that commitment was declined by the interviewee. The IAEA intends to make full use of its interview authority and to determine the modalities and locations for interviews, both inside and outside of Iraq as necessary. It will continue to report to the Security Council on its efforts and degree of success in that regard.

F. Specific issues raised by States

1. Aluminium tubes

48. In recent months, concerns have been expressed about attempts by Iraq to procure high-strength aluminium tubes. These concerns arose from the fact that high-strength aluminium tubes with appropriate characteristics can be used as components of equipment for the enrichment of uranium.

49. In response to IAEA questioning, the Iraqi authorities indicated that unsuccessful attempts had been made between 2000 and 2002 to procure high-strength aluminium tubes, but that the tubes had been intended for use in connection with a programme aimed at reverse engineering 81-millimetre rockets.

50. According to Iraq, a large number of 81-millimetre rockets, the combustion chambers of which were made of high-strength aluminium, had been imported into Iraq in the middle of the 1980s. Most of these rockets were consumed during the conflict between Iraq and the Islamic Republic of Iran. Between 1988 and 1989, Iraq imported 160,000 un-anodized aluminium tubes with the goal of reverse engineering the original rockets and establishing its own indigenous capability of producing similar rockets. The programme was delayed by many factors, including the fact that, since they were not anodized, the majority of the imported tubes were ruined through poor storage and weather conditions. Of the 160,000 imported tubes, about 20,000 were salvaged, roughly 13,000 of which were subsequently used in the manufacture of rockets. According to Iraqi officials, Iraq began to look for a new supply of tubes in 2000, using private traders to search abroad for new tubes. The new tubes were to be anodized, to take into account uncertain storage conditions while awaiting machining.

51. The IAEA has conducted a series of inspections at sites involved in the production and storage of reverse engineered rockets, held discussions with and interviewed Iraq personnel, taken samples of aluminium tubes and begun a review of the documentation provided by Iraq relating to contracts with the traders.

52. As a result of these inspection efforts, it has been possible to confirm the existence of a programme for producing 81-millimetre rockets. The IAEA's analysis to date indicates that the specifications of the aluminium tubes recently sought by Iraq appear to be consistent with reverse engineering of rockets. While it would be

possible to modify such tubes for the manufacture of centrifuges, they are not directly suitable for such use. The IAEA will continue to investigate the matter. It should be noted, however, that the attempted acquisition of such tubes is prohibited under paragraph 24 (a) of resolution 687 (1991), which, *inter alia*, proscribes the supply to Iraq of components of arms and related materiel.

2. HMX

53. The relocation and consumption of HMX (a high explosive of potential use in nuclear weapons), as described in Iraq's backlog of semi-annual declarations, has been investigated by IAEA. In those declarations, Iraq stated that, between 1998 and 2002, it had transferred 32 of the 228 tons of HMX which had been under IAEA seal as of December 1998 to other locations. In addition, Iraq stated that a very small quantity (46 kilograms) of HMX had been used at munitions factories for research and development. At the request of IAEA, Iraq has provided further clarification on the movement and use of the HMX, indicating that the 32 tons of HMX had been blended with sulphur to produce industrial explosives, which had been provided mainly to cement plants for quarrying, and that the research and development using the small quantity of HMX had been in the areas of personnel mines, explosives in civilian use, missile warhead filling and research on tanks.

54. The IAEA inspectors have been able to verify and re-seal the remaining balance of approximately 196 tons of HMX, most of which has remained at the original storage location. The movement of the blended HMX and the other small quantity of HMX has also been documented by Iraq. However, it has not been possible to verify the use of those materials, as all of it is said to have been consumed through explosions and there are no immediately available technical means for verifying such uses. The IAEA will continue to investigate means of verifying the Iraqi statements about the use of the HMX and blended HMX.

3. Uranium imports

55. In response to information suggesting that Iraq had attempted to import uranium from an African country, IAEA has requested Iraq to provide clarification. Iraq has denied that it imported or attempted to import uranium in any form after 1990. This message was also conveyed in an official letter to IAEA on 14 January 2003.

56. During the recent high-level meeting held in Baghdad, Iraq was encouraged to take a more proactive approach to assisting IAEA in resolving the issue. IAEA will continue to further investigate the matter.

4. Procurement of magnets and magnet production capabilities

57. Questions have been raised about Iraqi attempts to construct a facility for the manufacture of magnets.

58. In response to IAEA inquiries, Iraq presented detailed information on a project to construct a facility to produce magnets for the Iraqi missile programme as well as for industrial applications, including a solicitation of offers by Iraq. That project had, however, been delayed due to "financial credit arrangements".

59. Preliminary investigations indicate that the specifications contained in the offer solicitation are consistent with those required for the declared intended uses.

However, IAEA will continue to investigate the matter with a view to ascertaining whether the attempted procurement was in connection with efforts to resume activities associated with uranium enrichment.

G. Cooperation

60. In support of the IAEA inspections, the Iraqi authorities have provided access to all facilities visited, including presidential compounds and private residences, without conditions and without delay, despite some complaints about the inconvenience or intrusive nature of the inspection activities. The IAEA has taken, and will continue to take, full advantage of all of the inspection authority granted by resolution 1441 (2002). In doing so, the inspectors have been instructed to make every effort to conduct their activities with professionalism and sensitivity.

61. The Iraqi authorities also have been cooperative in making available additional original documentation, in response to requests by IAEA. However, to date, these documents have not included any information relevant to the questions and concerns outstanding since 1998.

62. As indicated above, on 19 and 20 January 2003, the Director General of IAEA and the Executive Chairman of UNMOVIC met in Baghdad with an Iraqi delegation, headed by Dr. Al Saa'di, with a view to encouraging greater transparency and more proactive cooperation on the part of Iraq. A statement was issued on the outcome of the meeting (see attachment).

III. Assessment by the International Atomic Energy Agency

63. Neither Iraqi declarations nor IAEA inspections have given rise to any new information of significance regarding the period covering Iraq's past nuclear programme (pre-1991) or the evolution of its nuclear-related capabilities between 1991 and 1998. The only area where some refinement of the understanding of Iraq's past programme may be expected is in the area of laser enrichment, owing to the discovery of the cache of documents referred to in paragraph 29 above. However, an initial review of these documents suggests that they are unlikely to change the IAEA's conclusion with respect to the lack of achievement in the production of enriched uranium using this method.

64. Little progress has been made in resolving the questions and concerns that remained as of 1998. On the question of external assistance to the past nuclear programme, Iraq has provided a letter that summarizes information provided by it during earlier discussions and which reiterates Iraq's previous statements that it had never followed up on offers of such assistance. On the issue of the abandonment of the programme, Iraq has indicated its intention to adopt, as required in paragraph 34 of the ongoing monitoring and verification plan, laws prohibiting the conduct of proscribed activities in Iraq.

65. In the first eight weeks of inspections, IAEA has visited all sites identified by it or by States as significant. No evidence of ongoing prohibited nuclear or nuclear-related activities at those locations has been detected to date during these inspections, although not all of the laboratory results of sample analysis are yet available. Nor have the inspections thus far revealed signs of new nuclear facilities or direct support to any nuclear activity. However, further verification activities will

be necessary before IAEA will be able to provide credible assurance that Iraq has no nuclear weapons programme.

66. The IAEA has started to work at resolving the key issue of whether Iraqi nuclear activities or nuclear-related capabilities have changed since December 1998. Marked progress has already been made in areas about which major concerns had been expressed prior to the resumption of inspections: concerns raised over the construction or reconstruction of buildings at known facilities have been defused, and it appears, *prima facie*, that the high strength aluminium tubes were to be for the production of rockets and not for use in centrifuges for uranium enrichment, although assessment of the possibility that Iraq may have intended to modify the tubes in question later for use in centrifuges remains to be completed. Following the provision by Iraq of its backlog of semi-annual declarations, a thorough analysis of the movement and use of the dual-use equipment and material made it possible to reduce the areas of concern to a minimum. The disposition of the 32 tons of the previously monitored HMX that Iraq declared to have been used for civilian purposes, however, will be difficult to confirm.

67. No progress has been made on the issue of Iraq's alleged attempt to import uranium from abroad. It is not possible for IAEA to draw any conclusions with respect to this issue without more specific information.

IV. The way ahead

68. The IAEA will step up its activities, both with regard to operations in the field and work at Headquarters. It will continue to aim at resolving all pending issues, in particular the key issue as to whether there had been any material changes in Iraq's nuclear programme and nuclear-related capabilities while inspections were suspended. The IAEA will also reinstate or initiate all activities necessary for the full operation of its ongoing monitoring and verification plan, including the types of activities conducted prior to December 1998, and new ones to enhance the IAEA's detection capabilities. Among these activities will be the installation of remote video surveillance at key facilities, the installation of air samplers, the conducting of airborne gamma surveys and the carrying out of other methods of wide-area environmental sampling.

69. Security Council resolution 1441 (2002) requests States to provide to IAEA and UNMOVIC information which may be of assistance to them in carrying out their mandates under the resolution, including recommendations of sites to be inspected and persons to be interviewed. While some information has been provided, actionable information has been limited and has only been forthcoming in the past three weeks. In order for IAEA to fulfil its mandate quickly and most effectively, it is important that States continue to provide support to IAEA in all aspects relevant to its mandate in Iraq.

70. Iraq's cooperation with IAEA should be full and active, as required by the relevant Security Council resolutions. While Iraq has been forthcoming in its cooperation in connection with the provision of unconditional and immediate access to sites, and has satisfactorily answered a number of specific questions, its cooperation could and should be more proactive. IAEA is keen to see that Iraq's commitment to encourage its citizens to provide access to private sites and to accept private interviews is put into practice. Iraq should also intensify its search for all

documents and other types of evidence, both direct and indirect, which could help IAEA in resolving pending issues and in clarifying the remaining questions and concerns.

71. IAEA expects to be able, within the next few months, barring exceptional circumstances and provided there is sustained proactive cooperation by Iraq, to provide credible assurance that Iraq has no nuclear weapons programme. In the meantime, the presence in Iraq of inspectors with broad investigative and monitoring authority serves as a deterrent to, and insurance against, the resumption by Iraq of proscribed nuclear activities.

New York
27 January 2003

Attachment

Agreed statement following talks between the United Nations Monitoring, Verification and Inspection Commission/the International Atomic Energy Agency and Iraq

Baghdad, 19 and 20 January 2003

The meeting between the United Nations Monitoring, Verification and Inspection Commission (UNMOVIC)/the International Atomic Energy Agency (IAEA) and Iraq was devoted to a stocktaking of the inspections that have taken place and resolving issues that have come up. The following was noted.

1. Access has been obtained to all sites. This will continue. The Iraqi side will encourage persons to accept access also to private sites.
2. There has been helpful assistance in the logistic build-up of the inspection infrastructure, including at the Mosul office. This will continue, for example in the case of a field office in Basrah.
3. After the find of some empty 122 millimetre chemical munitions at Al Ukhaidhir stores, the Iraqi side has appointed a team to undertake an investigation and comprehensive search to look for similar cases at all locations. One find of four more units was already reported at Al Taji munitions stores. The final results will be reported.
4. A response was given to an UNMOVIC request for a number of documents. Some were handed over and clarifications were given regarding others.
5. The list of persons engaged in the various disciplines will be supplemented in accordance with advice from UNMOVIC and IAEA.
6. The declaration given on 7 December by Iraq was discussed. Iraq expressed a readiness to respond to questions raised in connection with the declaration and discuss such questions.
7. Persons asked for interviews in private will be encouraged to agree to such interviews.
8. UNMOVIC and IAEA agreed that their helicopters will take an appropriate number of minders on board, as necessary.
9. Iraq will enact national legislation as soon as possible regarding proscribed activities.
10. Iraq agreed to continue technical discussions with IAEA to clarify issues regarding aluminium tubes, alleged uranium importation and the use of high explosives, as well as other outstanding issues.

20 January 2003

**General Assembly
Security Council**Distr.: General
27 January 2003

Original: English

**General Assembly
Fifty-seventh session
Agenda items 36 and 160****Security Council
Fifty-eighth year****The situation in the Middle East****Measures to eliminate international terrorism****Letter dated 27 January 2003 from the Permanent Representative
of Israel to the United Nations addressed to the Secretary-General**

I am writing to draw your attention to the latest terrorist incident to imperil peace and security along the Israel-Lebanon border.

This past Tuesday, 21 January, at approximately 3 p.m. (local time), Hizbullah terrorists fired anti-tank rockets and mortar shells at positions on the Israeli side of the Blue Line in the Mount Dov area. The unprovoked cross-border attack lasted about 30 minutes, during which time approximately 25 missiles and shells were fired. No injuries were reported as a result of the assault, but some damage was sustained by a nearby Israeli Defense Forces outpost. Hizbullah interrupted programming on its satellite television station, Al Manar, to claim responsibility for the attack.

This attack is merely the latest in a long series of cross-border attacks perpetrated by Hizbullah since Israel's complete withdrawal from Lebanon in May 2000, in full and confirmed compliance with Security Council resolution 425 (1978). That resolution further required the Government of Lebanon to establish its effective authority in the area and restore international peace and security. These obligations have been affirmed repeatedly in subsequent Security Council resolutions.

To date, Lebanon has not taken any significant measures to fulfil its obligations, nor has it acted to bring its policies into accord with the global campaign against terrorism. Consequently, Lebanon stands in breach of international law and Security Council resolutions 425 (1978), 426 (1978), 1310 (2000), 1337 (2001), 1365 (2001), 1391 (2002) and 1428 (2002), which call for the restoration of international peace and security and the return of effective Lebanese authority in the area. The Government of Lebanon is also in violation of Security Council resolution 1373 (2001) and established principles of international law, which call upon all States to refrain from providing any support, whether active or passive, to all



persons or entities involved in terrorist acts, and to ensure that their territory is not used as a base for cross-border attacks.

Rather than fulfilling its obligations and thereby preventing a further deterioration in the situation along the Blue Line, Lebanon has continued to permit Hizbullah complete freedom of movement and action, and has even allowed the organization to strengthen and fortify its presence in the area, as acknowledged in the recent report of the Secretary-General (S/2003/38). The Government of Syria, which provides critical financial, logistical and political support to Hizbullah, and provides its leadership and operatives with safe harbour in Syrian-controlled territory, also bears responsibility for Hizbullah's actions and for the continuing instability along the Blue Line.

Hizbullah's actions not only are a danger to both Israeli and Lebanese civilians, but they also carry with them the potential of a dangerous regional escalation. Together with the belligerent statements of its leaders, Hizbullah, an organization with extensive terrorist networks and connections around the globe, has clearly signalled its intent to ignite a broader confrontation. While Israel is doing its utmost to act with restraint, while reserving its right to take steps to defend its citizens, it is the responsibility of the Government of Lebanon to bring an end to Hizbullah's illegal activities and prevent the organization from further destabilizing the region.

Both the Secretary-General and the Security Council have repeatedly emphasized Lebanon's obligation to respect the integrity of the Blue Line and ensure a calm environment in southern Lebanon. In view of the upcoming renewal of the mandate of United Nations Interim Force in Lebanon, Israel reiterates its call on Lebanon to fulfil its obligations under resolution 425 (1978) and subsequent resolutions, as well as resolution 1373 (2001) regarding the suppression of terrorist acts. The international community bears a responsibility to impress upon Lebanon and Syria that security and stability will remain in jeopardy so long as they fail to fulfil their most basic obligations to prevent Lebanese territory from serving as a base for terrorism, end the activities of terrorist organizations currently operating freely in Lebanese territory and act to restore international peace and security along the Blue Line.

This letter is submitted as a follow-up to previous letters concerning the dangerous situation in southern Lebanon caused by the illegal attacks perpetrated by Hizbullah across the Blue Line, dated 10 December 2002 (A/57/642-S/2002/1347), 5 September 2002 (A/56/1032-S/2002/986), 8 July 2002 (A/56/1001-S/2002/743), 10 April 2002 (A/56/913-S/2002/374), 3 April 2002 (A/56/899-S/2002/348), 2 April 2002 (A/56/898-S/2002/345), 21 March 2002 (A/56/884-S/2002/301), 24 January 2002 (A/56/793-S/2002/115), 17 January 2002 (A/56/778-S/2002/79), 24 October 2001 (A/56/507-S/2001/1012), 5 October 2001 (A/56/443-S/2001/942), 6 July 2001 (A/56/161-S/2001/673), 16 April 2001 (S/2001/367), 16 February 2001 (A/55/792-S/2001/142), 6 February 2001 (A/55/767-S/2001/111), 26 November 2000 (S/2000/1121), 23 October 2000 (S/2000/1011), 19 October 2000 (S/2000/1002) and 7 October 2000 (S/2000/969).

I should be grateful if you would arrange to have the text of this letter circulated as a document of the fifty-seventh session of the General Assembly, under agenda items 160 and 36, and of the Security Council.

(Signed) Dan Gillerman
Permanent Representative



Security Council

Distr.: General
27 January 2003

Original: English

Letter dated 24 January 2003 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

I have the honour to transmit herewith the text of the Joint Declaration of the Regional Initiative on Iraq, which was held in Istanbul, Turkey, on 23 January 2003 with the participation of the Arab Republic of Egypt, the Islamic Republic of Iran, the Hashemite Kingdom of Jordan, the Kingdom of Saudi Arabia, the Syrian Arab Republic and the Republic of Turkey, as a host country (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Ümit Pamir
Ambassador
Permanent Representative



Annex to the letter dated 24 January 2003 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General

Joint Declaration of the Regional Initiative on Iraq

Istanbul, Turkey, 23 January 2003

We, the Ministers of Foreign Affairs of the Arab Republic of Egypt, the Islamic Republic of Iran, the Hashemite Kingdom of Jordan, the Kingdom of Saudi Arabia, the Syrian Arab Republic and the Republic of Turkey have met today to express our common resolve for attaining a peaceful solution to the Iraqi issue.

The specter of war in Iraq is looming large. The countries of this region do not wish to live through yet another war and all its devastating consequences. War should not become an option to resolve this crisis.

The Iraqi people have suffered most from two consecutive wars and the entire region remains plagued by the resultant political uncertainties and economic contractions ensuing from these wars for over two decades.

We therefore solemnly call on the Iraqi leadership to move irreversibly and sincerely towards assuming their responsibilities in restoring peace and stability in the region.

To this end, we request Iraq to continue cooperation with the UNMOVIC and the IAEA and to demonstrate a more active approach in providing Iraq's inventory of information and material concerning her capabilities of weapons of mass destruction (WMD) in full conformity with the United Nations Security Council Resolution 1441, to confirm its commitments under relevant United Nations Security Council resolutions regarding ongoing monitoring and verification, to embark on a policy that will unambiguously inspire confidence to Iraq's neighbours, and to respect internationally recognized boundaries in accordance with the existing treaties and agreements and to resolve outstanding issues with Iraq's neighbours, to take firm steps towards national reconciliation that would preserve the sovereignty and the territorial integrity of Iraq.

We are fully determined to support the territorial integrity and national unity of Iraq. This determination, coupled with the guarantee contained in the relevant UN Security Council resolutions, serves as a solid assurance for the Iraqi people to build a future in security, freedom and prosperity.

The UN Security Council, acting on behalf of the entire United Nations membership in accordance with Article 24 of the Charter of the UN is entrusted primary responsibility for the maintenance of international peace and security. The Security Council is thus fully seized with the task of determining the state of Iraq's compliance with its resolutions and ensuring their full implementation.

Therefore, the involvement of the UN Security Council in the process must be full, inclusive and persistent. This involvement must also be in full recognition of the need to fulfil the objectives of the ongoing inspections.

The Iraqi issue is a multilateral one, first and foremost affecting the whole region. It is therefore incumbent upon the UN Security Council to act in full recognition of this regional perspective put forth by us. We stand ready to cooperate with the Security Council in its pursuit of a peaceful solution.

We would finally like to reaffirm that the actions to be taken by Iraq will represent a step towards the goal of establishing in the Middle East a zone free from weapons of mass destruction, as stated in UN Security Council resolution 687.

We also remain committed to the peaceful solution of the Palestinian issue and the implementation of all relevant UN resolutions to achieve a just and comprehensive peace in the Middle East.

We agree that this initiative in Istanbul by the regional countries is a process that has as its immediate objective the peaceful solution of the crisis in Iraq. Moreover, this initiative will continue until issues in our region are resolved, as well as ensuring peace, security and prosperity for all.

We, the Foreign Ministers of the invited countries, expressed our thanks to the Republic of Turkey for hosting this meeting. We all announce our agreement to convene our next meeting when required in Damascus.



Security Council

Distr.: General
27 January 2003

Original: English

Identical letters dated 24 January 2003 from the Permanent Representative of Turkey to the United Nations addressed to the Secretary-General and to the President of the Security Council

I have the honour to transmit herewith the text of the Joint Declaration of the Regional Initiative on Iraq, which was held in Istanbul, Turkey, on 23 January 2003 with the participation of the Arab Republic of Egypt, the Islamic Republic of Iran, the Hashemite Kingdom of Jordan, the Kingdom of Saudi Arabia, the Syrian Arab Republic and the Republic of Turkey, as a host country (see annex).

I should be grateful if you would have the present letter and its annex circulated as a document of the Security Council.

(Signed) Ümit Pamir
Ambassador
Permanent Representative

* Reissued for technical reasons.



**Annex to the identical letters dated 24 January 2003 from the
Permanent Representative of Turkey to the United Nations
addressed to the Secretary-General and to the President of
the Security Council**

Joint Declaration of the Regional Initiative on Iraq

Istanbul, Turkey, 23 January 2003

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To this end, we request Iraq to continue cooperation with the UNMOVIC and the IAEA and to demonstrate a more active approach in providing Iraq's inventory of information and material concerning her capabilities of weapons of mass destruction (WMD) in full conformity with the United Nations Security Council Resolution 1441, to confirm its commitments under relevant United Nations Security Council resolutions regarding ongoing monitoring and verification, to embark on a policy that will unambiguously inspire confidence to Iraq's neighbours, and to respect internationally recognized boundaries in accordance with the existing treaties and agreements, and to resolve outstanding issues with Iraq's neighbours, to take firm steps towards national reconciliation that would preserve the sovereignty and the territorial integrity of Iraq.

We are fully determined to support the territorial integrity and national unity of Iraq. This determination, coupled with the guarantee contained in the relevant UN Security Council resolutions, serves as a solid assurance for the Iraqi people to build a future in security, freedom and prosperity.

The UN Security Council, acting on behalf of the entire United Nations membership in accordance with Article 24 of the Charter of the UN is entrusted primary responsibility for the maintenance of international peace and security. The Security Council is thus fully seized with the task of determining the state of Iraq's compliance with its resolutions and ensuring their full implementation.

Therefore, the involvement of the UN Security Council in the process must be full, inclusive and persistent. This involvement must also be in full recognition of the need to fulfil the objectives of the ongoing inspections.

The Iraqi issue is a multilateral one, first and foremost affecting the whole region. It is therefore incumbent upon the UN Security Council to act in full recognition of this regional perspective put forth by us. We stand ready to cooperate with the Security Council in its pursuit of a peaceful solution.

We would finally like to reaffirm that the actions to be taken by Iraq will represent a step towards the goal of establishing in the Middle East a zone free from weapons of mass destruction, as stated in UN Security Council resolution 687.

We also remain committed to the peaceful solution of the Palestinian issue and the implementation of all relevant UN resolutions to achieve a just and comprehensive peace in the Middle East.

We agree that this initiative in Istanbul by the regional countries is a process that has as its immediate objective the peaceful solution of the crisis in Iraq. Moreover, this initiative will continue until issues in our region are resolved, as well as ensuring peace, security and prosperity for all.

We, the Foreign Ministers of the invited countries, expressed our thanks to the Republic of Turkey for hosting this meeting. We all announce our agreement to convene our next meeting when required in Damascus.